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A LIFE OF THE EARL OF MAYO.

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A LIFE OF THE EARL OF MAYO,

FOURTH VICEROY OF INDIA.

BY W. W. HUNTER, B.A., LL.D.,

OF HER MAJESTY'S BENGAL CIVIL SERVICE.

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Vol II

VOLUME II.

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CORRIGENDA.

I notice in Volume I. (p. 124) an error of transcription, which makes Lord Mayo speak of Mr. Ashworth as coming to him on the part 'of the *Coffee* Supply Association.' The distinguished Vice-President of the Cotton Supply Association was, I presume, referred to.

Volume II., page 110, line 17, for *instructions* read *despatch.*

A LIFE OF LORD MAYO.

VOLUME II.

CHAPTER VI.

LORD MAYO'S FINANCIAL ADMINISTRATION.

THE financial history of Lord Mayo's Viceroyalty divides itself into two parts. The first narrates the resolute stand which, at the outset of his administration, he found himself compelled to make against deficit. The second records the measures by which, after grappling with the immediate crisis, he endeavoured to reform certain defects in the financial system, and to bring about a permanent equilibrium between the revenue and the expenditure of India.

In my narrative of those measures, there are several omissions which the Earl of Mayo would have deemed unjust. They refer not to what he himself did or laboured to accomplish, but to the assistance which he derived from others. With a very few exceptions, however, his coadjutors still hold high office in India, and there would be a certain impropriety in a member of the same service dilating upon their merits. This book is not written in praise or dispraise of living

men. Yet, at almost every page, I have felt that I am doing the central figure of it a wrong by isolating him from his surroundings. He was essentially a man who went through life girt about with friends, and a memoir which fails to develope that side of his character leaves half his story untold. This, however, is one of the conditions under which a contemporary biography ought to be written; and no one can feel the air of ungraciousness which it imparts to the work, especially to the Indian sections of it, more keenly than the writer himself.

But while I feel that in the following chapter the Earl of Mayo stands out more prominently from among those who shared his labours than he himself would have deemed right, his method of working renders the injustice less than it might be in some other cases. He had a remarkable faculty for listening to everything that could be said on a subject, and then shaping from many diverse counsels a course that was distinctively his own. No one could tempt him into the error of being led to state his own conclusions first, and then having to ask his interlocutors' opinion about them. He had the art of making every one feel that he followed with a personal interest their exposition of a case; but at the same time that his interest was that of a judge, not of a partisan. In India the Provincial Administrations and Heads of Departments represent the initiative, the Secretariats the critical element in the Government. A Head of a Department is almost *ex officio* a man who has something to propose. And his plans of improve-

ment, however admirable in themselves, and however economical they may purport to be at the outset, mean an eventual increase of expenditure. The function of the Secretariat is to pull such schemes to pieces, to expose their weak points, and to put down the drag upon every proposal that sooner or later will cost money. A strong Viceroy acts as arbiter between the two sets of forces thus constantly in motion. What struck those who had to do business with Lord Mayo was his happy combination of qualities required for this difficult part of his office. He was adored by the more ardent administrators for the interest with which he listened to their plans. Every one felt sure of a fair hearing. But those who misinterpreted his courteous sympathy into official approval found, by a very brief experience of his method of working, that they were mistaken. For between this initial stage and ultimate action lay an ordeal of inquiry and criticism, a process of trying which he sometimes renewed afresh in his own mind, even after his responsible advisers had been convinced of the expediency of the proposed measure. He insisted that each question should be thoroughly fought out by his subordinates, sending it if necessary back and back, till every disputed point was absolutely disposed of, before he allowed himself to express his own views; nor did he ever commit himself to a line of action until the chances had been exhausted of his having to alter it, in consequence of new evidence coming to light. He had the art of bringing to a focus whatever was sound in the advice of conflicting counsellors, and all parties

felt that their strongest arguments had entered into, and were fairly represented by, the conclusion at which he arrived. But they also felt that that conclusion was his own, and that he would adhere to it. This openness to suggestions and plans of administrative improvement, followed by an unusually protracted period of criticism and scrutiny, and backed by stedfastness in the practical action which consummated it, forms the secret of the Earl of Mayo's success as an Indian Viceroy.

The strong individuality which marked his measures produced a corresponding sense of personal responsibility in his own mind. Amid the difficulties and trials, to be presently narrated, this feeling sometimes pressed upon him with a weight under which even his robust nature winced. 'It is a hard task,' he wrote to a friend, during the first dark months of his grapple with deficit; 'but I am determined to go through with it, though I fear bitter opposition where I least expected it. I have put my hand to the work, and I am not going to turn back; and I will kill, before I die, some of the abuses of Indian Administration.'[1]

When Lord Mayo received charge of the country, the financial position stood thus. The conquests and accretions of a century had left on our hands a subject population of close on 200 millions, with 50 millions of feudatories; a yearly revenue of 46 millions stg.; and a debt now aggregating 208 millions.[2] This debt

[1] Dated 18th Nov. 1869.

[2] Here, and elsewhere throughout this chapter, unless when specially

represents the permanent cost of establishing the British Power in India. Of the whole debt, about 70 millions may be taken as the charges of conquest, and about half as much more, or 35 millions, as the price of reconquering and reorganizing the Empire after the Mutiny of 1857. The remaining 103 millions stg. have been spent on guaranteed railways, canals, and similar great public works.[1] They represent the cost of covering the country with roads, constructing more than six thousand miles of railway, defending great tracts from famine by canals, and building the court-houses, public offices, barracks, gaols, hospitals, and schools, which form the material framework of a civilised Government. That framework the English in India have had to construct entirely afresh. The total capital is therefore nearly equally divided into 105 millions laid out in acquiring and regaining British India, and about 103 in improving the vast inheritance. The gross revenue derived from the investment amounts, in round numbers, to 500 millions of rupees, or 46 millions

mentioned, I take the rupee at its real value of 1s. 10d. The popular method of converting Indian sums into sterling, by assuming the rupee at 2s., is convenient for rough calculations, but does not correspond with the actual facts. When my statements of revenue or expenditure seem to differ from those in certain of the Blue Books, the explanation usually consists in this circumstance.

[1] The calculation, as kindly prepared for me by the Secretary to the Financial Department, to whom my obligations will be presently acknowledged, is as follows. Total debt, 208 millions: cost of guaranteed railways and recent canals, 96 millions; cost of conquest and certain public works, 72 millions; the Mutiny and its consequences, 40 millions. The classification in the text proceeds on the same basis, but endeavours to separate the actual additions to debt in the Mutiny accounts.

sterling per annum.[1] Of this sum, only 33½ millions sterling are taken from the people. The remaining 12½ millions consist of the duty on opium paid by the Chinese, departmental recoveries, and other receipts not taxation. Even of the 33½ millions of taxation, 21 millions are furnished by the land revenue, forests, and tributes, and represent the value of the proprietary right which the governing power in India has from time immemorial reserved in the soil. Whether this should be considered as revenue at all, or merely as rental, is a question on which economists are not agreed; but after deducting it, the net balance of a little over 12 millions sterling remains as the actual taxation, in the ordinary European sense of the word, levied from a population of close on 200 millions of souls. Including the land revenue, the incidence of the 33½ millions of taxation in British India amounts to about 3s. 4d. per head; excluding land revenue, the individual incidence is about 1s. 4d. per annum. The average incidence of imperial taxation in Great Britain and Ireland in 1873–74 was 48s. 3d., exclusive of local and municipal rates.

	Millions stg.
[1] Land revenue, forests, and tributes,	21
Salt,	5½
Customs,	2½
Stamps and mint,	2½
Excise,	2
	33½
Opium, departmental recoveries, and other receipts *not* taxation,	12½
Total,	46

Whether regard be had to the amount of the public debt of British India, or to the burden of taxation upon the people, the finances of that country compare favourably with those of almost any State in the world. But a nearer examination discloses another aspect. Small as are the demands of the treasury upon the people, it has been found difficult and almost perilous to augment them to the level required for the maintenance of efficient administration. The half-century which preceded Lord Mayo's arrival in India had presented a long series of financial shortcomings. Of the fifty-five years beginning with 1814–15 and ending with 1868–69, only sixteen had shown a surplus, while thirty-nine had been years of deficit. The total of the surplus amounted to only 12½ millions stg.; the deficits exceeded 75½ millions of pounds.[1] The Mutiny of 1857 had alone increased the public debt by over 30 millions within four years. The period immediately preceding Lord Mayo's arrival was, if possible, even more discouraging. The last three years, 1866–69, left behind deficits aggregating 5¾ millions sterling, during a period of profound internal peace. Nor was the inadequacy of the revenue the gravest source of disquietude. The estimates, although framed with the most accurate prevision which the materials at the disposal of the Financial Department permitted, had constantly proved to be not in accord

[1] In a calculation of this sort, which spreads over a long series of years, it is possible to give the amount in sterling with only an approximate degree of accuracy, as no single value that can be taken for the rupee applies to the entire period. The above figures represent the result of Mr. Barclay Chapman's computations.

with the actual facts. Thus the original estimate of 1866–67 was for a small deficit of £66,700; the results of the year showed a deficit of £2,307,700. Again, the original estimate for 1867–68 was for a surplus of £1,628,522; the actual results showed a deficit of £923,720, or 2½ millions less than the Budget estimate for the year. The events of 1868–69 (towards the close of which Lord Mayo received charge of the country) were equally alarming. The Budget estimates were for a surplus of £1,893,508; the amended estimates at the end of the year revealed a deficit of £889,598; the actual results, when all the accounts were made up, showed a deficit of £2,542,861;[1] or 4½ millions stg. on the wrong side, as compared with the Budget estimates. The three years preceding Lord Mayo's first Budget, therefore, left an aggregate deficit of £5,774,281; and the estimates, as compared with the results, had proved wrong to the extent of £9,229,611. This was for 'ordinary' expenditure alone, and exclusive of the outlay on 'extraordinary' (or reproductive) public works, which amounted during the last two of these years to another 5½ millions; bringing the total excess of expenditure over revenue to the almost incredible sum of £11,049,515 in the three years preceding Lord Mayo's rule.[2]

In narrating the measures by which Lord Mayo

[1] Or £2,774,930 at the nominal exchange of 2s. for the rupee; Sir R. Temple's Statement of April 2, 1870, in the Annual Financial Statements from 1860–61 to 1873–74, page 304, line 8; Office of Superintendent of Government Printing, Calcutta, 1873. This is the official edition, and I use it throughout the present chapter.

[2] This is at the rate of 1s. 10d. per rupee. As exhibited in the Official

substituted a period of steady surplus for this state of chronic deficit, I would express my obligations for materials and assistance of many kinds to those who laboured with him in the work. Sir Richard Temple, as Finance Minister, had charge of the reforms; and I have to thank him for several papers of great value, particularly one on the Indian Cash Balances, which (were it more publicly available) would remove that subject from the obscurity in which it is popularly supposed to be enveloped. Sir John Strachey, while acting for Sir Richard Temple, had the immediate task of initiating some of the most important measures, and to his writings during Lord Mayo's life and since his death I owe many facts and ideas reproduced in this book. But my largest debt, as regards the pages which immediately follow, is to Mr. Robert Barclay Chapman, the Secretary to the Government of India in the Finance Department. This gentleman devoted one of those hard-won breathing-spaces which happen in an Indian civilian's career to drawing up for me a narrative of Lord Mayo's financial measures; and I only regret, that the condition which he has imposed on me of not reproducing the paper under his name and in his own words prevents me from printing it in full. He thinks this prohibition due to the office he holds, and that there might be a risk of the

Statements, the total deficit is given at £12,054,016 (at 2s. per rupee). It should be remembered that explanations for a large part of the above deficit were forthcoming; thus a change of policy had taken place, whereby the cost of certain military works then and still in course of construction, was transferred from the extraordinary to the ordinary Account.

reader not accurately distinguishing between his personal views and those which it may be his official duty to give to the public as Secretary to the Government of India. If my sketch should be found in any degree worthy of the subject with which it deals, the credit largely belongs to him.

But Lord Mayo's financial measures were essentially his own. While, therefore, I owe much to the eminent men who helped him to carry them out, this chapter, like all the rest of the book, will be chiefly based upon his own utterances. In some cases my duty will be confined to merely reproducing his own words. But a financial reform, operating over a great empire, is of slow growth, and the proposals have to be patiently threshed out before any action is taken. The process consists, in the first place, of an exhaustive correspondence with ten or twelve separate Local Governments; in the second place, of a general reconsideration of the question by the Government of India, after the collective sense of the Provincial Administrations has been thus gathered. All this is gone through by the Viceroy and his Executive Councillors before the measure reaches the Legislature. By the time that an administrative change arrives at its final stage as a legislative enactment, it has been written about by every conceivable person capable of throwing any light upon it, and minuted on over and over again by the Viceroy himself. Any attempt to reproduce in full all that Lord Mayo wrote and officially uttered with regard to any one of his great financial reforms would swell this chapter to a larger space than I have

devoted to his entire life. While, therefore, I shall give his own words, when I can find them stated with sufficient brevity to suit the scale of the book, I think it better, as regards the staple of his financial work, to condense his views from the whole body of materials which he placed on record.

Lord Mayo's Finance Minister, like himself, assumed office during the currency of the administrative year 1868–69, and made his first financial utterance at the close of that year. Sir Richard Temple, in his Budget statement of the 6th March 1869, called attention to the difference which had existed during the preceding years between the estimates and the actual results. 'Just as wave passes wave in a rising tide,' he said in the Legislative Council, 'so one Budget after another springs up in an ascending scale. Although each Budget Estimate has surpassed its predecessor, it, in its turn, has been usually surpassed by the Regular Estimate as the year advances; which, again, has been generally surpassed by the Statement of Actuals after the year has closed. But then, unfortunately, the same process happens with the expenditure, and the consequence has been, that of the eight years that have elapsed from the commencement of our Budget system in 1860 up to the end of last year, three only were years of surplus, while five were years of deficit. My predecessor, Mr. Laing, addressing this Council in 1861, spoke with a just horror of a chronic deficit in time of peace. He described such a deficit as a huge bully, with whom weary rounds must be fought, and who must never be allowed to claim a cross or a drawn

battle. The bully of Mr. Laing's time is in these days up in arms again. For the two past years deficits have reappeared, and in the current year I shall again have to tell the old tale.'

The Indian Budget is a statement made before the Legislative Council, or published in the *Gazette*, in spring, shortly before the end of the financial year. It consists of three parts. The first exhibits the finally ascertained results of the previous complete year, technically termed the Actuals. The second part, known as the Regular Estimate, gives the results for the current year, then at its close, as far as they can be made up in anticipation of the final adjustment of the Indian accounts and Home charges, about eight months afterwards. The third, or Budget Estimate, consists of a careful forecast of the revenue and expenditure of the year about to begin. Sir Richard Temple's first Budget, delivered (March 1869) less than two months after Lord Mayo assumed the Viceroyalty, dealt, therefore, with the Actuals of 1867–68, the Regular Estimate of 1868–69, and the Budget Estimate of 1869–70. The Actuals of 1867–68 disclosed a deficit of £923,720, or a shortcoming of more than 2½ millions compared with the original Budget Estimate for that year. The Regular Estimate for 1868–69 showed a deficit of £889,598, instead of a surplus of £1,893,508, as had been calculated on in the year's Budget, being again a difference of 2¾ millions. Warned by these shortcomings in the preceding years, Sir Richard Temple endeavoured to frame a very cautious Budget for 1869–70, and estimated for a small surplus of £48,263.

It soon appeared that even these statements were more favourable than the financial situation warranted. The first symptom that caused Lord Mayo alarm was the discovery that the cash balances in the treasuries proved lower than had been estimated by more than 1½ millions sterling at the end of the financial year. Lord Mayo's anxiety increased as the actual facts of the past financial year 1868–69 became finally known. Item after item turned out worse than had been expected, until the deficit of £889,598, as estimated in March, grew to the vast sum of £2,542,861, as ascertained from the completed accounts a few months later. Nor did the disastrous discrepancy appear only in the Actuals of 1868–69. Circumstances occurred to raise a suspicion in Lord Mayo's mind that the same fate might be in store for the finances of the current year. His personal inquiries led him to order a resuscitation of the whole Budget estimates, and the now ascertained facts of 1868–69 disclosed an inevitable deficit of £1,650,000 for the current year 1869–70, in place of the surplus of £48,263, as announced in the Budget of the 6th March. Lord Mayo's perplexities were increased by the circumstance that Sir Richard Temple, after duly delivering the Budget, had found himself compelled to proceed to England on six months' leave. Sir Richard's experience and knowledge were not therefore available at the moment when the Viceroy, in his first months of office, found a new abyss of deficit suddenly open under his feet. Fortunately he had the aid of Mr., now Sir John, Strachey, who was carrying on the

duties of Finance Minister during Sir Richard's absence.

The disclosures which the last paragraph speaks of with smooth certitude, revealed themselves in 1869 only glimpse by glimpse, and amid a wide divergence of opinion among the responsible advisers of the Government. It required the most resolute exercise of his individual will to enable the new Viceroy to tear the truth out of the conflicting accounts, and to get at the whole facts of the situation. 'I am beginning to find,' he wrote to a friend, as early as May 1869, 'that our finances are not in as comfortable a state as they ought to be. The enormous distances, the number of treasuries and the complicity of accounts as between each, render accurate forecasts and rapid information almost insurmountably difficult. The waste of public money is great, and I have been obliged to take strong measures, and say some very hard things about it.'[1]

Each week found the Viceroy poring with a deeper anxiety and a graver face over the accounts. As he probed into their hollow places, he found one estimate after another break down beneath his scrutiny. It seemed as if he was never to get at the whole bitter truth. His letters and papers during that summer disclose, scene by scene, and with a painful tension of personal responsibility, the slowly developing drama of deficit; but throughout every line breathes a firm resolve that, cost him what it might in ease or popularity, he would establish and maintain equilibrium in

[1] The Earl of Mayo to Sir Stafford Northcote, 16th May 1869.

the finances of India. Three months after the letter above quoted, he wrote to Sir Henry Durand:[1] 'I have just received information which leads me to believe that in two items of revenue alone, we may look for a decrease of half a million in the first quarter of 1869-70. Now it is our clear duty to do all that we can to meet this. *I am determined not to have another deficit*, even if it leads to the diminution of the Army, the reduction of Civil Establishments, and the stoppage of Public Works. The longer I look at the thing, the more I am convinced that our financial position is one of great weakness; and that our national safety absolutely requires that it should be dealt with at once, and in a very summary manner.'

Ten days later, he had arrived at the complete facts, and had already shaped in his mind the course by which he meant to encounter them. As will be presently explained, his measures eventually combined retrenchment with additional taxation; but to the latter expedient he was personally most averse. 'I do not think,' he wrote privately to the Duke of Argyll,[2] 'that increased taxation is to any extent practicable. Reduction of expenditure is our only resource, and I do not agree with those who say that it is impossible. There are two ways in which it can be effected—First, by lessening the expense of establishments, notably the military. Second, by putting on local resources a large portion of the charges for local objects, such as roads, sanitation, education, and the like, now borne unfairly by the

[1] 14th August 1869. [2] 24th August 1869.

Imperial revenue. I should be sorry to say how much I feel the hard lot that is now cast upon us, to recover the finances from a state of deficit. But unless we have a war, which God forbid, we will do it.'

The last four words ring with the intense personality of the Viceroy. They will recall to many the invincible energy of will by which he made every one feel, amid the conflicting counsels of those days, that the retrieval of the finances was a foregone conclusion under his rule; and that the only basis on which he would discuss each question as it arose was a basis of absolute solvency, in place of deficit. He passed through those stormy months with a splendid calm which no surprise could perturb and no opposition could ruffle, and which made men know that they had a master among them.

Having thus exhibited the personal aspects of the situation as they disclosed themselves to Lord Mayo's own mind, I now proceed to summarize the public measures by which he encountered the crisis.

Lord Mayo resolved to get at the fundamental causes of the chronic state of deficit into which the Indian finances had fallen. The inquiries which he then instituted showed that the financial collapse was due partly to a failure of the revenue estimates, especially of the opium duty, and partly to an undue expenditure on Public Works, the Army, and certain Civil Departments. The demands for expenditure on public works in India are unlimited, and it had been usual to allot yearly to this object, such funds as remained unappropriated after providing for the general admi-

nistration. This practice was financially safe, provided always that the estimates were cautious; but, practically, it acted as a temptation to over-sanguine forecasts, ending in deficits. Viewed retrospectively by the light of results, the utmost that could have been spared under this system for Public Works, at that time, was from three to four millions sterling a year. During the previous year, 1868-69, $5\frac{1}{2}$ millions had been spent on Public Works under the 'ordinary' head; and the net grant for the current year, 1869–70, was $5\frac{1}{4}$ millions.

Lord Mayo mapped out for himself two distinct methods of dealing with the situation. In the first place, he resolved that the circumstances were so grave as to demand immediate measures for meeting the immediately impending deficit. In the second place, he determined to attack the permanent causes which had led to the deficits, and to prevent their recurrence by a systematic readjustment of the finances.

The first step taken by Lord Mayo and Mr. John Strachey was to reduce the overgrown grant for Public Works by over £800,000,—a measure suggested and carried out with unsparing faithfulness by Colonel, now Major-General, Richard Strachey, then Secretary to the Government of India in the Public Works Department.

Another great want of the Indian people is education, and an almost unlimited sum can be usefully spent on this object. It has accordingly always been difficult for the Supreme Government of India to resist

the many urgent claims made upon it for that Department; and the Local Governments, in urging such demands, may well be pardoned if they consider less the Imperial finances, than the requirements of the people entrusted to their care. The charge upon the Indian revenues for Education, Science and Art, had risen from £314,044 in 1861-62 to £836,200 in 1869–70. In like manner, there is scarcely any purpose to which the revenue can be better applied than to increasing the security of person and property throughout India. Besides large additions to the number of the courts, the expenditure on Police alone had grown from £1,983,900 in 1861–62 to £2,270,200 in 1868–69. Other Departments, equally important and equally clamorous, had augmented their expenditure at a still more rapid rate. In short, the ten years which had elapsed since the dominions of the Company passed to the Crown had seen the administration rendered more efficient in many ways; and the cost of the improvements, however admirable they were in themselves, had in the aggregate become too great for the revenue to bear. In addition to the reduction of £800,000 for Public Works, Lord Mayo found himself compelled to curtail temporarily by £350,000 the expenditure on Education and other Departments which had received an equally rapid development, the whole amounting to a saving of £1,150,000 during the current year 1869–70.

It became apparent, however, that reductions alone would not suffice to produce equilibrium. Lord Mayo had therefore to decide whether he would permit the

Budget arrangements of the year to stand, with the knowledge that they would result in deficit, or resort to the unusual and almost unprecedented expedient of levying additional taxation in the middle of the year. He decided, after careful inquiry, that the circumstances demanded the latter course. Had the threatened deficit been preceded by a period of prosperity and financial accuracy, he would not have deemed so severe a policy needful. But the public expenditure had, during three consecutive years, largely exceeded the revenue, and Lord Mayo found that solvency could only be secured, in the first place, by immediate and most stringent measures; in the second place, by a permanent improvement in the finances to the extent of three millions sterling a year. I mean, of course, the aggregate improvement derived from the twofold sources of reduced expenditure and increased taxation. Moreover, the inquiries disclosed a general relaxation of financial checks, resulting in a state of careless ease as to ways and means throughout the whole Administration,—a condition full of danger to any body politic, and especially perilous in a poor country like India under an alien Government. For these and other cogent reasons, Lord Mayo determined to make it clear by measures of unmistakeable vigour that his Government was resolved to place the finances upon a permanently sound basis. He raised the income tax from 1 to 2½ per cent. during the second half of the financial year, and enhanced the salt duty in Madras and Bombay. The former measure was estimated to add £320,000 and the

latter £180,000 to the revenue of the year; total, £500,000.

By means of this half-million of increased taxation, and the £1,150,000 of reduced expenditure, Lord Mayo hoped to cover the estimated deficit of the current year, namely, £1,650,000.

In a letter to the Secretary of State, he reviewed in minute detail each item which had led to the deficit, and explained the policy by which he proposed to encounter it. The first sixty-six paragraphs of the despatch are devoted to individual heads of account; the remaining twenty deal with the more general aspects of the crisis.

'While the accumulated deficits of the three years ending with 1868-69 have amounted to 5¾ millions, the cash balances in our Indian treasuries have fallen from £13,770,000 at the close of 1865-66 to £10,360,000 at the close of 1868-69, and, notwithstanding our recent loan of £2,400,000, are at this moment lower than they have been at this season for many years. During the same period our debt has been increased by 6½ millions, of which not more than 3 millions have been spent on reproductive works.[1] Your Grace has reminded us that successive Secretaries of State have enjoined us so to frame our estimates as to show a probable surplus of from half a million to a million sterling. We entirely agree with your Grace

[1] Para. 71 of Despatch to Secretary of State No. 240, dated 20th Sept. 1869. *N.B.*—In direct quotations from the Despatch, I leave the figures when given in sterling at the nominal rate of 2s. to the rupee. This explains apparent discrepancies between the Despatch and other parts of the text.

in acknowledging the soundness of this policy. We have no doubt that, excluding charges for Extraordinary Works provided for by loan, our expenditure in time of peace ought to be so adjusted to our income as to leave an annual surplus of not less than one million. The necessary conclusion to which we are thus led is, that nothing short of a permanent improvement in the balance now subsisting between our annual income and expenditure of at least three millions sterling will suffice to place our finances in a really satisfactory condition. How, by reducing our expenditure and increasing our income, we can best obtain such a result, is the problem that we have now to solve.

'We are satisfied that there is only one course which we can properly follow. We must no longer continue to make good the deficit of each succeeding year by adding to the public debt. And we must determine, whatever be the difficulty of the task, that there shall henceforth be no room for doubt that, in time of peace, our income will always be in excess of our ordinary expenditure.

'This, which, under all circumstances, would be the duty of our Government, is at the present time a duty of great and unusual urgency. Our ordinary debt is now more than ninety millions. Our revenues are already liable for meeting the guaranteed interest on a railway capital of nearly one hundred millions. We are embarking on a system of borrowing for the construction of Irrigation Works and Railways, under the direct management of the Government, which will add, every year, very large sums to our liabilities.

We confidently expect that this system, by means of which we hope to cover India with a network of railways and canals, will add immensely to the national wealth, and ultimately to the resources of the Government. But whatever precautions we may take to secure economy of construction and the good management of these works, and to ensure the early development of the revenues which they will yield, a long time must necessarily elapse during which the payment of the interest on the loans contracted for these great undertakings will form a heavy, and probably an increasing, burden on the resources of the State.

'Under such circumstances, nothing could be more injurious to our credit in the money markets of the world, than that we should borrow money to supply our ordinary expenditure in time of peace.

'We think it therefore most necessary that the public, in learning that we have discovered our financial position to be much less favourable than we had supposed, shall learn also, by action that cannot be mistaken, that we have not lost a moment in adopting measures of so vigorous and unmistakeable a nature, that no room shall remain for doubting that our finances have been placed on a thoroughly and permanently sound basis. Nor could anything short of an unreserved statement of the truth justify the stringent and unwelcome measures of economy and of increased taxation which we shall be forced to take.

'We have therefore resolved to deal with the case in a complete and an uncompromising manner, and we are confident that your Grace will give to our Govern-

ment the fullest support and encouragement in carrying out the difficult task which we have undertaken. We shall report without delay to your Grace, the measures which we have already adopted, or which we propose for the future. At present it is sufficient to say that we shall consider that our work has been incompletely performed unless, by reduction of our expenditure and increase of our income, we obtain, in the ensuing year, a substantial and permanent surplus of income over our expenditure.

'In regard to the current year, we have had to choose between an immediate reduction of expenditure to the greatest possible extent that may still be practicable, and an acquiescence in the necessity of meeting the anticipated deficit by borrowing towards the close of the year.

'As your Grace will readily understand after what we have said, we are extremely unwilling to adopt the latter alternative. We have accordingly determined to lose no time in initiating the stringent measures of economy which we propose to adopt. We are sanguine that, even in the present year, they will produce considerable effect.

'The still more serious and difficult question of the propriety of imposing additional taxation in the course of the current year is also engaging our attention.'

Lord Mayo added the following paragraphs with his own pen :—

'That, with your Grace's assistance, we shall be successful in the task which we have undertaken, we

have no misgivings. We are confident that very large reductions are feasible in our present expenditure in many of the chief branches of the administration, and that, if our proposals are acted upon, no long period of time will elapse before our finances are restored to a really healthy state. But we must remind your Grace that there is one essential condition of success which it is beyond our power to command. It is possible that serious opposition may be offered to some of the great measures of economy which it will be our duty to propose, and especially to those measures which will affect the military expenditure of the Government. Your Grace has strongly urged upon us in your Financial despatch No. 52, dated 26th January 1869, the necessity of reducing the present enormous charges for the Army. We are fully alive to that necessity, and we are confident that measures may be adopted which, while they lead to an immense saving of money, will not in the least diminish our real military strength. Such measures are, however, to a great extent, beyond our control; and unless we receive the most complete, prompt, and vigorous support from Her Majesty's Government in dealing with this part of the questions now at issue, we fear that our efforts to restore the equilibrium of our finances will be ineffectual, or at all events that the difficulties which we have to meet will be enormously increased. Under these circumstances, we earnestly request that we may receive all the assistance which it is in your Grace's power to give to us. We venture to express the confident expectation that, if we receive this assist-

ance, we shall not fail in the serious duty which we have before us.

'We have described to your Grace the dangers and difficulties which, in our opinion, surround our present position. We must, however, in conclusion, assure your Grace that, notwithstanding the somewhat gloomy picture we have been obliged to draw, the general aspect of affairs inspires us with the fullest confidence in the future prosperity of India.

'We entertain no apprehension of foreign invasion or domestic disturbance. For all purposes of defence, and for the preservation of peace, our Military and Police organizations are strong and efficient.

'The splendid revenue of the Empire is contributed by a population which, compared with that of other countries, is lightly taxed. As was proved by the success of our late loan, the credit of India never stood higher.

'The enriching and civilising effects of the great Railway and Irrigation Works which have within the last twenty years been constructed, are beginning to be felt throughout the length and breadth of the land.

'By the blessing of Providence, with the seasonable and plentiful rainfall of the last few weeks, all danger of famine, and of the continuance of the late severe distress, has passed away.

'The steady rise which has taken place in the value of labour must ere long materially increase the wealth and contentment of the people.

'With us then it rests, by careful administration,

and by a strict adherence to those simple rules of prudence and economy which in the conduct of the affairs alike of nations and individuals are indispensable to the attainment of safety and success, to use to the utmost extent, for the benefit of the people, the mighty resources of this great Empire.

'It is because we believe that a healthy and permanent system of finance lies at the very foundation of real national progress and even safety, that we commend to the most favourable consideration of your Grace the measures which we shall deem it our duty immediately to propose for the speedy attainment of the objects we have described.'

Lord Mayo having devised his remedies, proceeded in a very stringent manner to carry them out. Even before the whole facts of the situation had disclosed themselves, he had fixed his attention on the financial laxity which prevailed among certain of the local governments; and barely four months after he assumed the Viceroyalty, he personally addressed all Governors, Lieutenant-Governors, and Chief Commissioners throughout India on the subject. The following paragraphs are from a letter which then issued under his personal signature—an official style only resorted to on subjects of the first importance and urgency:—

'I have the honour to draw your special attention to a matter which has lately attracted much public notice, and has been, on more than one occasion, referred to in Parliament.

'It is the difference which has for some time

existed between the Indian Budget Estimates and the actual revenue and expenditure of the year.

'The estimated returns of revenue are often subject to causes over which the Executive has little or no control; but, in most instances, it is in the power of the Administration to confine expenditure within the limits defined by the Supreme Government—limits which have, after the most careful consideration, been determined to be in accordance with the financial position of the Empire, and the just requirements of the public service.

'I have therefore to express my earnest hope that you will, at every fitting opportunity, impress on all officers in your Province that it is their duty to see that no unauthorized expenditure is undertaken, that no excess of expense over that sanctioned in the estimates for the year is incurred, and that any deviation from your instructions in this respect will be looked upon by you as an act of disregard to your authority and to the orders of the Supreme Government.

'It is also very undesirable that applications for sanction to excess of expenditure over estimate should be made either to your Government or to the Viceroy in Council, except under the most pressing and unavoidable circumstances.

'It should be further impressed on all officers in your Province, that though the amount of expenditure authorized can in no case be exceeded, yet that you will always observe with extreme approbation any efforts which may be made for the reduction of public

expenditure, and for lessening the cost of any branch or department of the service without diminishing its efficiency.

'The necessity of strict regard to these principles must be so clear, and the advantage to the public which will arise, should they be rigidly adhered to, is so apparent, that I rely with confidence on your support and assistance in the efforts that I am making to ensure that the Budget Estimate of expenditure for the year 1869-70 may not in any particular be exceeded.'[1]

This was the first note of alarm sounded to the Local Governments and Departments. With two exceptions, the heads of the administration loyally accepted Lord Mayo's views, and proceeded at once to give effect to them. But the relaxed state of responsibility in some of the governments made any appearance of stringency unpopular. Certain high officials in two provinces, and several of the officers of the Financial Department itself, seized the occasion to submit formal remonstrances against even the insufficient retrenchments which had been originally made from their demands for the year. One local government had asked £1,781,715 for certain services, and received £1,728,865, or only £52,850 less than its demand, and a much larger sum than had ever before been spent on these purposes in that province.

[1] Financial proceedings, No. 34. 13th May 1869: Letter from his Excellency the Viceroy and Governor-General of India to the Governors, Lieutenant-Governors, Chief Commissioners, etc.; also to the various Departments of the Supreme Government.

Against this very moderate retrenchment by the Supreme Government it contended by arguments, covering twelve foolscap pages of small print. But, indeed, the whole tone adopted by the two recalcitrant governments in reply to the Viceroy's warning letter supplies a most curious proof of the financial laxity which had crept into the administration. It amounts to an almost grotesque exaggeration of the tendency among officials in India (a tendency perhaps not unknown in England also) to treat the Financial Department as a separate entity, distinct from the General Government, inimical to all progress, and to be resisted by all means. In 1869, and during several preceding years, this tendency had reached a dangerous height. It is scarcely needful to say that that Department is merely the mouthpiece in financial matters of the Viceroy in Council.

Lord Mayo dealt firmly and consistently with such remonstrances. He ordered a letter to issue to the recalcitrants in the sense of the following words[1]:—

'What I am almost tired of asserting must be repeated, *i.e.*, that his Excellency in Council is determined that, as far as lies in his power, the ordinary expenses of the Empire shall not for the future exceed by a single rupee the revenue of the year; that if misfortune occurs and income declines, then the cost of every department must be proportionately reduced; that political and financial considerations of the highest order are involved in this determination, and that I and my Council are determined to adhere to them;

[1] Personal note by Lord Mayo, dated 21st July 1869.

that the distribution of the Budget grants is based on a careful investigation of national requirements; and that I am determined, come what will, that they shall be regarded by every department as final, and that they shall neither be exceeded nor re-appropriated, except under circumstances of unusual exigency. It may be added that I expect the cordial support of every officer of the Government in a course of conduct which is so essentially a matter of political necessity, and which must commend itself to the judgment of every man who has given any thought to the financial position of this great Empire.'

This was written in July 1869, and as the inquiries rapidly revealed the full gravity of the situation, Lord Mayo returned with a still greater feeling of anxiety to the same subject. It is due to the able men who then conducted the Provincial Governments to add, that as soon as the real extent of the danger became known, they most loyally and heartily co-operated with Lord Mayo in the task of overcoming it. In those days of anxious exertion was laid the foundation of a genuine friendship between the local administrators and the Viceroy,—a friendship which was terminated only by his death. With the true English instinct for colonial sway, each great official saw that his own special views weighed as nothing against the necessity of united and harmonious action. The success won by their combined efforts will be presently shown; but it possessed aspects which cannot be exhibited in figures, and with regard to which the best authority is Lord Mayo himself. When the

crisis was over, the deficit quenched, and equilibrium secured, the Viceroy thus reviewed the events of the year to his Legislative Council :—

'After the very great amount of information which has been placed before the public, both in the Financial Despatch which we addressed some time ago to the Secretary of State, and also in the clear statements which have been made here to-day, as to the reasons and causes which rendered it incumbent on the Government of India to take the unusual course which has been adopted with regard to Imperial Finance, I have but few additional remarks to make. Nothing has been kept back. Everything has been fully described. The means which we propose to take to remedy the evils which exist have been also, as far as is possible, laid with the utmost care before the Council. And it is gratifying to me, as it must be to my colleagues in the Executive Government, to know that, however much the public, in common with us, may regret the necessity of the course we have taken—however much some of the details of the proposals we have made may be criticised—yet we have received, both from the public, as far as we can judge, and certainly from the Press, a generous, and I may almost say, a cordial approval. I have little doubt that those sentiments which have been so generally expressed in India will be shared in by Her Majesty's Government and by public opinion at home, and that every candid man will, on careful consideration of the facts of the case, come to the conclusion that the course we have

followed was the wisest and safest that could have been taken under the peculiar circumstances of our position.

'I am quite aware that that course is most unusual, but it is not altogether unprecedented. If history be examined, and inquiry made into occurrences that have taken place in countries where a representative system of government is in full force, it will be found that, on special occasions, a similar proceeding has been adopted.

'I have said that its necessity must appear to every one to be absolute. There were, in truth, only two courses open to the Government of India. Every one can form an opinion on the matter, for our financial position has been before the public during many weeks. The facts, as we have described them in our financial despatch, being fully known and verified, we had either to adopt a policy of concealment or of candour. Had we adopted the first course, we must have placed ourselves in this position :—we must have remained in a state of silence till next March, with the full knowledge that the public were under a grossly erroneous impression as to the true financial state of the country. This was a position in which I think no body of honourable men could for a moment have thought of placing themselves.

'For though the statements which were made have been now for a considerable time before the public, we have found that the financial credit of the country has not been seriously damaged, but that

the public, knowing the worst, and feeling and appreciating the efforts of the Government to deal with the difficulty, have seen that these difficulties can be surmounted, that there is no real danger to the permanent financial position of the Empire, and that administrative reforms and strict adherence to the ordinary rules of economy and prudence, are all that is necessary to place our fiscal affairs on a sound and healthy basis.

'Some foreboding was certainly expressed in one or two quarters. It was said that, by the premature disclosure of the real financial state of the Empire, we should run the risk of damaging national credit and throwing a general air of discomfiture upon the whole proceedings of the Government.

'I, in common with my colleagues, took a different view, which I think the result has shown to be the right one. I must say, in justice to my colleagues, that the resolution to take, at the earliest possible moment, the public into the confidence of the Government, was unanimously agreed to; and that, as soon as our financial position was ascertained beyond a doubt, we felt that it was our duty to lay those facts unreservedly before the public, and ask for its generous support in the measures which we deemed it indispensable to propose.

'I rejoice therefore that, casting aside the adherence to general routine, we adopted this course. I am not at all insensible to its disadvantage and its manifold inconvenience; it is certainly not a line of action I should ever desire to repeat, and I am strongly of

opinion that, except under the most extraordinary circumstances, it would be quite unjustifiable.

'But when we look to the situation of affairs—when we look at the great deficit into which we were for a fourth year about to be plunged—when we knew that means were in our power to avoid the evil,—I think the public will agree with me in saying that routine and ordinary rules of administration were not considerations which ought to have guided or controlled the Government.

'There is no doubt that a great deal of the evil that has existed for some years has been owing, not so much to the fault of the administration, as to the circumstance that the Government have never been in possession of the great financial facts of the year at a sufficiently early period to make real use of them for the purposes of administration. I am quite aware that there are great difficulties in this matter. When people compare our system with that of a small, rich, and compact country like England, they entirely forget the enormous size of this Empire—the great distances which exist—the variety and complicated nature of our accounts—the amount of adjustment which is necessarily carried on between various treasuries and various accounting bodies. They also forget that the system which has been in existence in England for a very long period has only been recently introduced into India, within, I may say, half the time of what may be called the present generation. Therefore, when men blame us for inaccuracy of forecast, they should at the same time remember

the peculiar circumstances of such an Empire as India.

'There is no doubt, however, that the cause of our present position is owing in part to the inaccuracy of forecast which has for some years existed; but I believe that, by care and firmness in administration, a great portion of the inconveniences which are occasioned from a want of early knowledge of the actual current and financial position of the Empire can be obviated. The evil is one of great magnitude, and is strongly proved by the discrepancy which has taken place within the last four years between the Budget estimate and the actual revenue and expenditure.

'Now the figures I am about to lay before you are very suggestive, and show how necessary it is that the Government should use every effort in its power to improve and to prevent the recurrence of the state of things which they disclose. I am far from saying that a recurrence can be altogether prevented during the present year or the next, or that, at any time, precise positive accuracy can be arrived at. But I am certainly convinced that, as the true merits—the publicity, safety, and many advantages—of the Budget system become more closely brought home to the minds of the vast army of officials who serve the Government of India with so much ability and devotion, these evils will gradually disappear.

'Now, I find that in 1866–67 we budgeted for a deficit of £72,800, the real deficit turning out to be two millions and a half.[1]

[1] In quoting *verbatim* from this speech, I retain the figures as given

'I find that in 1867–68 a surplus of £1,764,478 was budgeted for, the result being a deficit of one million.

'In 1868–69, I find that a surplus of upwards of two millions was budgeted for, but a deficit of two millions occurred. In 1869–70, a surplus of £52,650 was budgeted for, but a deficit of nearly two millions is expected. I attach no blame to any one for this. I am fully aware that explanations, more or less satisfactory, may be offered; and that, during the periods I have mentioned, the fiscal policy of the country was more than once changed during the financial year. But, nevertheless, the facts I have mentioned are incontestable, and betoken, to my mind, a position of danger which ought to terminate. It is a state of things, at all events, which is sufficient to justify us in using every effort to obtain, at the earliest possible moment, the actual current facts with regard to our revenue and expenditure. Revenue must always fluctuate to a certain extent. Expenditure may occasionally exceed the amount budgeted for, though it is more under control. But it is clear that no administration can be conducted with safety and with success, unless events connected either with revenue or expenditure are known to the controlling power almost at the time of their occurrence.

'I believe, therefore, that by invoking the assistance of every department of the Government in preventing delay in forwarding useful information—

throughout at the nominal exchange of 2s. per rupee. For their exact value converted into sterling, see *ante*, p. 8.

in trying as far as possible to avoid the leaving of any unequal or unusual disbursement to the end of the year — in endeavouring as far as possible to spread the expenditure over those months of the year in which it generally occurs,—I think that by these means, and also by great efforts on the part of the Government of India in condensing, analyzing, and bringing to use the information at their disposal, much of what has already occurred may for the future be avoided.

'I hope it will not now be supposed, from the remarks I have made, that it is my belief that inaccurate information has been supplied to the Government. On the contrary, I believe the information which has been placed at the disposal of the Government is thoroughly accurate and completely trustworthy. But what I object to is, that that information is often given too late, and the details are not available in sufficient time to make them thoroughly useful for administrative purposes. I believe that, considering the great power of this Government, and looking also to the rare advantages which it possesses in having in its service so many able and experienced officers, there can be really no substantial difficulty in obtaining at an earlier moment the vast amount of information which is every year so carefully collected, and which has generally been found to be so thoroughly trustworthy.

'I wish to say that we have embodied these opinions in a despatch to the Secretary of State, and I have little doubt that, in the efforts which we

intend to make in this direction, we shall receive the hearty approval and support of Her Majesty's Government.

'I have merely now to add, on the part of the Government of India, how deeply we feel the general support which has been given, both by Local Governments and also by the public generally, to our proposals as a whole.

'When the financial position was at first disclosed, I received from many quarters the most hearty assurance of active assistance. From Madras, whose Government was the first to come forward without invitation or suggestion on our part, we received by telegraph an offer saying that, if necessary, it was ready to add a considerable amount to the salt tax in that Presidency.

'The proposal was immediately acquiesced in by Bombay, and I may say that, though there may be some differences of opinion as to the details of the reductions we propose, we have never received any expression of doubt as to the necessity of the case, or as to the duty of the Local Governments to assist to the utmost of their ability the Government of India in the difficult and arduous task which we have undertaken.

'We all know there must always be a considerable difference of opinion among men who are engaged in the conduct of great affairs, especially if they happen to be Englishmen. Yet I believe there has never been known an instance in Indian history, of any great crisis in which the Local Governments failed

in their duty and refused their support to the Supreme Government. I can only say, as has happened before, so it has now, that the Government of India is most anxious to defer in all matters under discussion to those opinions; but at the same time we must express our firm determination to arrive, at all hazards, and in the shortest time, at the great financial result at which we aim.

'We are engaged in great interests, and dealing with enormous sums—we are engaged in an attempt which may be summed up in two or three words. We have to change the fiscal condition of this country in such a way as to give, at the earliest possible moment, a financial advantage of upwards of three millions of money.

'I am now speaking not only the opinion of the Government of India, but also that of the Secretary of State, when I say that it is decided that—looking to the many fluctuating items in the resources of the country, to the risks to which we are liable, and the magnitude of the interests involved—unless such a result is obtained, it cannot be said that Indian Finance stands upon a sound and substantial basis.

'Although the effect of this great reduction of expenditure may be, in a few cases, somewhat to injure individual interests, or, what is far more important, to postpone for a short period works of usefulness in which we are all deeply interested; yet, by making these sacrifices now, we shall lay up for ourselves a great store of safety and welfare for hereafter. For unless such a course is taken, we cannot hope to

carry on with success, and finish within reasonable time, those great works of improvement which are so necessary to the life, the comfort, the health, and safety of the people, and to the speedy completion of which the honour and the credit of this Government are pledged.'

I have mentioned the immediate measures by which Lord Mayo endeavoured to stay the impending deficit. But he felt that such measures strained the whole mechanism of the Government; that to stop public works on a sudden involved waste of material, while the increase of taxation during the current year disclosed in a most undesirable manner the shortcomings of our system, and might prove a cause of perilous discontent among the Indian people. 'We have played our last card,' he once said in conversation, 'and we have nothing left in our hands to fall back upon, except to devise measures which will prevent the recurrence of a similar crisis hereafter.' He accordingly resolved to find a permanent remedy, by removing the causes of the financial misfortunes in past years.

His reforms divide themselves into three branches. First, improvements in the mechanism of the Financial Department of the Supreme Government itself. Lord Mayo thought that it would be vain to ask the Local Governments to set their houses in order, if they could point to confusion or want of prevision in his own. Second, the more rigid enforcement on the Local Governments of economy in framing their estimates, and of accuracy in keeping

within them. While thus increasing their fiscal responsibility, Lord Mayo also extended their financial powers. Third, a systematic and permanent readjustment of the revenues and the expenditure.

Lord Mayo found that the Financial Department of the Supreme Government was susceptible of improvement in several respects. As long as the Company governed the country, and for some time afterwards, the public accounts retained many marks of their commercial origin, and were kept with the elaborate detail appropriate to the affairs of a mercantile firm. Officers experienced in this system believe that in theory it was more thorough and exact than the one substituted for it during the first years of the Queen's rule. There can be no doubt that it aimed at an accuracy of classification not now attempted. But whatever its theoretical merits, it proved in practice too cumbrous for the public accounts of the Empire which the Company had insensibly won. Its very merits for a mercantile concern became sources of most serious defects when applied on a vast scale; and it was precisely because it attempted so much that it was unable to accomplish the absolutely necessary work within a reasonable period. It failed in the first essential of a system of public accounts. It failed in punctuality; and the hopes of attaining to an impracticable perfection ended in important parts of the accounts never being completed in time.

One of the early measures of Her Majesty's Government in India was the reorganization of the

Public Accounts on a more convenient and compendious system. Persons unaccustomed to deal with such accounts are apt not unnaturally to think that they should follow the procedure which answers so well in commercial concerns, and be constructed on the model of capital account, quick and dead stock accounts, and the like. Indeed, several very able members of the Committee of the House of Commons on East Indian Finance, which sat in 1870–72, disclosed a jealousy and disapproval of any departure from mercantile usage. Experience, however, proves that details which are appropriate and even necessary in a merchant's books, become positively mischievous in the more complicated finances of a State. Simplicity and promptitude are the first requisites of public accounts. These essentials should never be sacrificed in the pursuit of elaborate classification or fine distinctions—a pursuit which almost always ends in confusion and delay; which often gives rise to controversy; and sometimes affords scope for manipulations that should be rigorously excluded. If, for example, a distinction be made between capital and revenue, there will constantly be room for doubt as to whether a particular item should be placed in the one category or in the other; and a Financial Minister may consult his own convenience in the adjustment; or what is nearly as bad, he may be suspected of doing so. Public confidence in official accounts is sensitive, easily forfeited, and with difficulty regained. The structure of such accounts should, as far as practicable, be intelligible to all, affording as small a chance as

possible for hesitation on the part of the compiler, or for criticism on the part of the public. Again, a main use of the accounts of a State is to facilitate the adjustment of the current expenditure and revenue, and they will not subserve this purpose unless they can be expeditiously completed. Accounts four years old may be interesting historically or otherwise; but they will be of scanty use to the statesman who desires to ensure solvency during the current year, or to frame the estimates of the coming one.

For these and similar reasons Her Majesty's Indian Government, shortly after the transfer of the country to the Crown, found it necessary to reorganize the structure of the public accounts. The finance and revenue accounts of India are now kept in the simplest possible form. The revenues as they accrue, and the disbursements as they take place, are recorded under a few uniform headings, whatever the year to which they relate. Transfer entries and adjustments between different branches are admitted only if of grave importance and after full discussion. The distinction between capital and revenue is unknown; or is recognised only in the separate heading of 'extraordinary' expenditure, namely, that on reproductive Public Works. The finance and revenue accounts purport only to be roughly classified cash accounts. They do not pretend to show either the net cost of any individual service, still less of any branch of a service; or the exact net produce of any item of revenue. When such details are wanted (and as a matter of fact they often become of prime importance), they

must be compiled as separate statements from the finance and revenue accounts—the simplicity of which is not to be tampered with for any purpose whatever. Any desired degree of precision may be attained in such separate statements; but the finance and revenue accounts are designed only to furnish with promptitude, and in rough but sufficient detail, the facts and figures required for showing the financial out-turn of each year, and for regulating the ways and means in the next. All sums borrowed are recorded in a separate account, and are not mixed up with the revenue and expenditure.

Under this simple system the Indian accounts of the year (including the distant home charges) are completed about eight months after its close. A document is prepared towards the close of each financial year, which, as already explained, sets forth (1) the completed accounts of the foregoing year; (2) a revised statement styled 'the Regular Estimates' of the revenue and expenditure of the current year then approaching its end; and (3) a forecast or 'Budget Estimate' of the receipts and disbursements of the year about to begin. From the commencement of this system under the Right Hon. James Wilson in 1860, to the year of Lord Mayo's death, 1872, these statements were annually delivered before the Legislative Council by the Finance Minister, and there discussed in the presence of the public and of the representatives of the press. If prepared with accuracy, they place the Government and the country in possession of full and recent information regarding

the state of the finances at the close of each official year.

Lord Mayo accordingly set himself to find out the causes which, notwithstanding the excellence of this system, had led to a series of fiscal surprises. A series of able State-papers and letters record the result of his inquiries. He found that such surprises were due in the first place to unpunctuality in the submission of the yearly estimates by the Local Governments and Departments, so that the Supreme Government had not sufficient time to examine and collate them before the season for delivering the financial statement arrived. He discovered, in the second place, defects in the Financial Department itself as regards intelligent observation of the progress of the finances during the year. The system of preparing the Local and Departmental Estimates was found to require no amendment; the financial returns were sufficient for their purposes; but of the returns and estimates thus furnished, an adequate use had not up to that time been made. The truth is, that the proper utilizing of such statistics demands much experience and special training. The Financial Department, during the period of reorganization from which it was just emerging, had not found it possible to overtake everything. While, therefore, the Local Governments and various Departments of the public service throughout India were complaining of the number and complexity of the statistical returns required from them, the last act in the process which would have rendered these returns fruitful of results,

was left unperformed. Too much care and trouble can hardly be taken to record the facts of the administration in each Department. Without a knowledge of these facts the Central Government must work in the dark. But it works equally in the dark if it allows these facts to accumulate in undigested masses, unchecked, untested, and not compared with the corresponding facts of other times and other places.

Without such final collation, the gathering of statistics is indeed a thankless task. I merely repeat the statement of the Member of the Government best qualified to speak on the subject, when I say that, up to Lord Mayo's time, no sufficient provision existed for the intelligent use of the statistical materials which daily poured in. It did not seem to be understood that the toil expended by scattered Departments upon the compilation of returns can bear no fruit unless they are intelligently studied by the central bureau for which they are compiled. Statistics as they existed in India before Lord Mayo's rule, and notwithstanding his efforts, as they exist in some Departments to the present day, are sorrowful memorials of faithful subordinate labour, rendered unavailing by the indifference and neglect of higher officials. My own function may perhaps lead me to take too strong a view in this matter. I therefore conclude my remarks on the subject with a sentence written by Lord Mayo's Financial Secretary, a sentence which still applies at this day (January 1875):—'Few reforms would be more widely beneficial to the civil administration of India than the introduction of a scientific system

of registering the various statistics now collected, in such a way that their meaning might be presently understood by all concerned, and that they should remain in readiness for immediate use in the future.'

Meanwhile, what Lord Mayo could do, he effected. In the Financial Department he found that a beginning had been made, in the shape of a volume published during the very month in which he assumed the Government. The financial collapse in 1869, forming as it did one of a series of similar catastrophes, now gave a new impetus to such work. The preparation of classified statistics was undertaken on a systematic basis and with an extended scope. Having thus put his own house in order, Lord Mayo took measures to ensure punctuality in the submission of the Estimates by the Local Governments and Departments. He also organized, or to speak more correctly, remodelled a system by which the Supreme Government now obtains full information bearing upon the progress of the finances, month by month. Mr. Chapman, who as head of the Department is the officer most competent to speak, thus writes of the results:—'It is not too much to say that it has become impossible for the Government to remain long ignorant of any important fact affecting the finances. Expectation may be disappointed, misfortune or mistakes may occur; but the Government will at least be promptly informed of the event, and it is difficult to exaggerate the importance of promptitude in this respect.'

The financial 'surprises' had not, however, proceeded from tardy materials alone. Lord Mayo

having first secured completeness and punctuality in this respect, proceeded to attack the last stronghold of fiscal miscalculation, by arranging for more time and greater deliberation being bestowed in the Financial Department on the preparation of the Estimates. His reforms in this matter are of a technical character, not susceptible of being made interesting to the unofficial reader. It must suffice to say that a full statement is now recorded of the grounds upon which each figure in the Estimates has been proposed by the officers of the Financial Department, and that these reasons are carefully considered by the Governor-General in Council before any figure is finally allowed a place in the Budget. The Estimates thus arrived at are compiled primarily from facts supplied from about 300 treasuries scattered over a Continent, 13 Departments of the Supreme Government, and 11 separate Governments or Administrations; each one of whom must exercise a certain degree of independent judgment in making the initial calculation. But the Financial Department now finds itself able, by a series of stringent and exhaustive tests, to detect errors in the judgment thus exercised, and when a mistake arises, to promptly trace it to its source. 'The vicissitudes of climate,' writes Mr. Chapman, 'the fluctuations of trade, and the disturbance of peace in any part of the great Indian Empire, or even of China, may adversely affect the most cautiously founded expectations. But what care can effect is now done, and if failure should occur, the blame will not rest on the system.'

Before passing to Lord Mayo's measures for securing economy in the Local Governments, and for placing the revenues of India in permanent equilibrium with the demands on them, it may be well to briefly recapitulate the immediate results of his financial measures in 1869–70. Instead of the impending deficit of £1,650,000, the year 1869–70 closed with a small surplus of £108,779. This surplus would not, however, have been obtained but for certain windfalls, such as the recovery of the value of supplies to the Abyssinian Expedition, and the adjustment of several other large outstanding accounts. Notwithstanding the vigorous measures adopted in September 1869, the cutting down of expenditure, the stoppage of certain Public Works, the doubling of the income tax, and the increase of the salt duty during the current year, it is only right to state that Lord Mayo's efforts would not have obtained a complete success. There would still have been a small deficit, although a comparatively small one, but for the said windfalls; and the September measures, so far as they failed at all, failed on the side of defect rather than of excess. The truth is, that the finances were even in a worse state than Lord Mayo's first investigations disclosed; and his measures, instead of being too stringent (as some have supposed), erred on the side of leniency. 'That after all these efforts,' writes the gentleman who was then and is still Financial Secretary to the Government of India, 'there was not a deficit, was due only to the unexpected adjustment in the accounts of the year, of some important outstanding items.

The deficit that would have accrued in 1869–70, had no counteracting measures been taken, was not, therefore, over-estimated;' in fact, that deficit would have exceeded the £1,650,000 disclosed by the September inquiries. The actual result was a small surplus of £108,779.

From that time until the failure of the winter crop in Tirhut, the year after Lord Mayo's death, a series of steady surpluses replaced the chronic deficits of the preceding years. The following figures have been kindly drawn up for me by the Financial Secretary; they represent the revenue and expenditure on the ordinary accounts, and exclusive of Public Works extraordinary :—

Years of Deficit.	Year of Equilibrium.	Years of Surplus.
1866-7, . £2,307,700	1869-70, . £108,779	1870-1, . £1,359,410
1867-8, . 923,720	(Surplus.)	1871-2, . 2,863,836
1868-9, . 2,542,861		1872-3, . 1,616,888
£5,774,281		£5,840,134
Total deficit of three years reduced to Sterling.		Total surplus for three years reduced to Sterling.

The last three years embrace Lord Mayo's entire rule (after he had set the finances in order during his first months of office), together with the year which was just about to commence, and for which the financial arrangements had been carefully considered, at the time of his death.

The second great branch of Lord Mayo's financial reforms consisted in his more rigid enforcement of economy upon the Local Governments. A fertile source of financial difficulty has always existed in the division of the British administration of India into a number of governments, separated from, although subordinate to, the Governor-General in Council. Before Lord Mayo's Viceroyalty the separate governments, while so far independent entities as to be responsible for the civil administration and improvement of their several Provinces at the cost of the imperial revenues, had, in regard to their revenues, no independent financial powers. Towards the end of every year, each Local Government presented to the Governor-General in Council its estimates of expenditure during the coming twelve months. The Governor-General in Council, after comparing these collected estimates with the expected revenue from all India, granted to each Local Government such sums as could be spared for its local services. A subordinate Government could not, without the special permission of the Viceroy in Council, spend upon one of its services any part of the funds which it might have saved from grants appropriated to another service. It could not in any way infringe upon the estimates after they were passed, either by incurring new expenditure or by readjusting old expenditure, save under rigid restrictions, usually involving reference to the Supreme Government. Any portion of any grant, not wholly expended during the year upon the specific service to which it had been appropriated,

lapsed at the close of the year to the Imperial Treasury. In short, the whole Imperial Revenues of India were portioned out by hard and fast lines into a multitude of separate grants, and no subsequent transfer from one grant to another was permitted (except under very special circumstances) during the current year. This system had been found, during a considerable period before Lord Mayo's accession, to work badly. The hard and fast restrictions placed on the Local Governments led to frequent breaches of the rules by them, and involved some of them in a state of chronic controversy with the Governor-General in Council.

The system also acted in a manner most unfavourable to economy. The Local Governments were under no compulsion to adjust their expenditure to any limited scale of income, and several of them fell into the habit of framing their demands upon the Imperial Treasury, with an eye rather to what they would like to spend than what was absolutely required. 'Practically,' writes one who had the official control of the system, 'the more a Government asked, the more it got; the relative requirements of the Local Governments being measured by their relative demands. Accordingly they asked freely and increasingly. Again, knowing that any money saved at the end of the year was lost to the provincial administration, a Local Government was little anxious to save.' These words, while representing the facts, do not necessarily involve a reproach. In India more money can be spent with advantage on every branch of the admini-

stration than the revenues of the country will permit. Each officer in a Province, from the Governor down to the youngest civilian in charge of a Subdivision, is struggling to raise his administration to the European standard of efficiency. The problem which everywhere recurs, is how to place the courts, police, gaols, schools, medical charities, and means of communication, on a footing that shall satisfy the imported English idea of good government, and at the same time not exceed the meagre revenues yielded by an Asiatic scale of taxation. In short, how to administer as efficiently in India, at a cost of 3s. 4d. per head to the population, as in England at a cost of 48s. 3d. per head. Under the financial system which Lord Mayo found at work, each Local Government had an eye only to its own wants as regards expenditure, without sharing in the responsibility of fairly adjusting those wants to the national income. That responsibility rested with the Governor-General in Council alone.

Lord Mayo clearly discerned that, in order to secure the co-operation of the Local Governments in the work of financial reform, he must invest those Governments with a share of the financial responsibility. More than one of his predecessors had arrived at a similar conclusion, and indeed one school of Indian statesmen had gone so far as to advocate the almost complete financial independence of the Local Governments. This school would surrender to each separate administration the revenue raised within its territories, on the single condition of a rateable contribution for the

expenditure common to the Empire, such as the Army and the Public Debt. Their scheme, however, had not been found capable of adoption. Lord Mayo was himself opposed to anything like a disintegration of the Empire, and expressed himself strongly as to the importance of maintaining its unity intact. At the same time, he was convinced of the necessity for some change, and he proceeded to practically effect it. The reform in his hands took the shape of a carefully guarded concession to the Local Governments. After an exhaustive preliminary correspondence with each separate administration, he issued a resolution on the 14th December 1870, which may be called the Charter of the Provincial Governments. By this document, which in due time received the approval of the Secretary of State, a fixed yearly consolidated grant was made to each Government, to enable it to defray the cost of its principal services, exclusive of the Army, but including Public Works. The grants thus made are final, being liable to reduction only in case of severe financial distress. They belong absolutely to the respective Local Governments. No savings from any one of them revert to the Imperial Treasury. Their distribution is left to the free discretion of the Local Governments, without any interference on the part of the Governor-General in Council. In fact, the only conditions imposed are those necessary to restrict the powers of the Local Governments within the limits assigned by Parliament and Her Majesty's Secretary of State to the powers of the Supreme Government of India itself; and to prevent a Local

Government from embarrassing its neighbours by capricious or injudicious innovations.[1]

The constitution of the 14th December 1870 still remains the Charter of the Local Governments. No fresh principles have been introduced, and the only modification it has undergone has been the transfer of certain additional services to the Provincial Government, with corresponding additions to their grants. The constitution as framed by Lord Mayo has developed, but otherwise has remained unchanged.

The magnitude and exact bearing of this reform

[1] 'The financial control which is thus entrusted to the Local Governments is to be exercised subject to the following conditions:—

'I. Without the previous sanction of the Government of India,—

'(1.) No appointment is to be created with a salary of more than Rs. 250 a month, and no addition is to be made to the pay and allowances of any officer if they exceed, or would after the addition exceed, Rs. 250 a month.

'(2.) No class or grade of officers is to be created or abolished, and the pay of no class or grade of officers is to be raised.

'(3.) No addition is to be made to the pay or allowances of any individual, or class of officers, that would lead to increase in the emoluments of any public servants doing duty in the same Province, whose pay and allowances are charged to the Imperial revenues. The Government of India reserves to itself the right to forbid alterations in rates of pay or allowances which, in its opinion, would produce inconvenience in other provinces.

'(4.) No moneys are to be removed from the public treasuries for investment.

'(5.) No services now rendered to other Departments at the charge of the Departments now made over to the control of the Local Governments are to be diminished, and no services now rendered to these Departments at the charge of other Departments are to be increased.

'II. The Rules of the Supreme Government in respect to leave of absence, and absentee deputation, and superannuation allowances, are to be observed.

'III. Returns, accounts, and estimates, are to be submitted to the Supreme Government in such forms, and at such times, as may be prescribed.'—Resolution of the Governor-General in Council, No. 3334, dated 14th December 1870, par. 21.

may be illustrated thus:—The ordinary civil expenditure of British India in 1872-3, for example, was 31¼ millions of pounds, reduced to sterling. Of this sum about 11¼ millions went as interest on debt, allowances secured by treaty and pensions, leaving 18¾ millions as the cost of the Civil Administration, including Public Works. Of these 18¾ millions more than 4¾ millions were assigned to the Local Governments in solidarity under Lord Mayo's resolution of the 14th December 1870.[1] If it be borne in mind that the remaining 14 millions include the whole cost of collecting the revenues, besides nearly 1¾ millions expended in the purchase of crude opium, it will be perceived how largely and how fundamentally Lord Mayo's concessions to the Local Governments affected the civil administration of the Empire.

Lord Mayo, in fact, divided the administration into two great sets of services. One set he thought could be most cheaply conducted by the Central Govern-

[1] The grants as at first fixed in 1870 were as follows:—

Oudh, ...	£206,948
Central Provinces, . .	261,263
Burmah, ...	275,332
Bengal, ...	1,168,592
North-Western Provinces, .	640,792
Panjáb, ...	516,221
Madras, ...	739,488
Bombay, ...	880,075
	£4,688,711

In this Note and elsewhere, in quoting figures from the Resolution of the 14th December 1870, I give them, as in that document, at the rate of 2s. to the rupee, without making the reduction to its present sterling value of 1s. 10d. Certain additions have since been made, and the aggregate of the Provincial Services Grant in 1872-73 exceeded 4¾ million pounds, *reduced to sterling*.

ment; for the economical management of the other he rendered the Local Governments directly responsible. The services thus made over to them included the protection of person and property, the education of the people, the record of all changes or transfers connected with landed property, sanitation, Local Public Works, and a vast number of minor branches of government. For official purposes they are grouped as follows :—

Jails.
Registration.
Police.
Education.
Medical Services (except 'Medical Establishments').
Printing (an enormous item in India).
Roads.
Civil Buildings and various Public Works.
Miscellaneous Public Improvements, and services of many sorts.

Each Local Government now publishes its yearly estimates in its own Gazette; 'together with a financial exposition which should,' to quote the Resolution of the 14th December 1870, 'where possible, be made before the Local Legislative Councils, analogous to that annually made in the Legislative Council of the Governor-General.' It has become almost difficult to realize the preceding state of things. Under the then existing system, says another paragraph of the Resolution, 'these Governments have

little liberty and but few motives for economy in their expenditure. The Local Governments are deeply interested in the welfare of the people confided to their care; and, not knowing the requirements of other parts of the country, or of the Empire as a whole, they are liable, in their anxiety for administrative progress, to allow too little weight to fiscal considerations. On the other hand, the Supreme Government, as responsible for the general financial safety, is obliged to reject many demands in themselves deserving of all encouragement, and is not always able to distribute satisfactorily the resources actually available. Thus it happens that the Supreme and Local Governments regard from different points of view measures involving expenditure; and the division of responsibility being ill-defined, there occur conflicts of opinion injurious to the public service. In order to avoid these conflicts, it is expedient that, as far as possible, the obligation to find the funds necessary for administrative improvements should rest upon the authority whose immediate duty it is to devise such measures.'

The Viceroy deeply realized the responsibility of the act which he was taking, and bestowed upon its elaboration unwearied personal care. 'The Resolution of the 14th December 1870,' his secretary writes to me, 'was essentially his own work throughout, and the last seven paragraphs were written with his own hand.' These paragraphs run thus:—

'The Governor-General in Council is fully aware that this Resolution will effect a wide change in

Indian administration. It has been adopted after long and careful consideration, in the hope that it will be received by the Governments in the spirit in which it is promulgated. The Governor-General in Council believes that it will produce greater care and economy, that it will import an element of certainty in the fiscal system which has hitherto been absent, and that it will lead to more harmony in action and feeling between the Supreme and Provincial Governments than has hitherto prevailed.

'But beyond all this there is a greater and wider object in view. Local interest, supervision, and care are necessary to success in the management of funds devoted to Education, Sanitation, Medical Charity, and Local Public Works. The operation of this Resolution in its full meaning and integrity will afford opportunities for the development of self-government, for strengthening municipal institutions, and for the association of Natives and Europeans to a greater extent than heretofore in the administration of affairs.

'The Governor-General in Council is aware of the difficulties attending the practical adoption of these principles. But they are not insurmountable. Disappointments and partial failures may occur; but the object in view being the instruction of many peoples and races in a good system of administration, His Excellency in Council is fully convinced that the Local Governments and all their subordinates will enlist the active assistance, or, at all events, the sympathy of many classes who have

hitherto taken little or no part in the work of social and material advancement.

'The additional powers of financial control which will now be assumed by the Governments must be accompanied by a corresponding increase of administrative responsibility. It is the desire of the Governor-General in Council to confine the interference of the Supreme Government in India in the administration of the "Provincial Services" to what is necessary for the discharge of that responsibility which the Viceroy in Council owes to the Queen and her responsible advisers, and for the purpose of securing adherence to the financial conditions now prescribed, and to the general policy of the Government of India.

'The procedure of the Departments of "Registration," "Gaols," and "Police" is to a large extent governed by law. No law exists upon the subject of "Education." But the policy of the Government has been declared and prescribed in despatches from the Secretary of State, the authority of which, and of the Rules sanctioned by the Government of India regarding Grants-in-Aid and other matters of general principle, is not affected by this Resolution.

'Subject to these general conditions, the Governments will henceforth enjoy full liberty in the expenditure of the funds appropriated to "Provincial Services." It must, however, be understood that in thus divesting himself of control, the Governor-General in Council divests himself also to a large extent of his former responsibility. If responsibility

for expenditure is retained, control cannot be renounced.

'The Governor-General in Council delegates to the Local Governments this large additional share of administrative power without hesitation or distrust, believing that it will be exercised with wisdom, liberality, and prudence.'

Mr. Chapman, after four years' experience in working this measure as chief Financial Secretary to the Government of India, writes to me as follows:—'The reform thus introduced has been thoroughly successful. At the outset, some authorities, including the chief officers of the Financial Department itself, were doubtful as to whither the measure would lead. It is now generally acknowledged that its effects have been to promote a good understanding between the Supreme and the Local Governments; to increase the interest of the latter Governments in their work; to enlarge their power to do good, and to relieve the Imperial Exchequer from an old class of urgent demands. These results have been obtained without any sacrifice of the authority and dignity of the Government of India, and without any tendency to financial disintegration.' As already stated, Lord Mayo looked upon such a tendency as a source of danger to the British Rule in the East. The word 'decentralization' was hateful to him, and he objected to it being uttered either in the Council, or even in casual conversation by those about him. The permanent merit of his reform consists in the fact that he enlarged the responsi-

bilities of the Local Administration and gave them a new incentive to economy, without diminishing the authority of the Central Government, or loosening the unity of the British Power in India.

Sir John Strachey thus summarizes the character of the reform and its results:—'Under the system which Lord Mayo found in force when he became Viceroy, the Local Governments, which practically carry on the whole administration of the country, had almost no powers of financial control over the affairs of their respective Provinces, and no financial responsibility. Everything was rigorously centralized in the Supreme Government, which took upon itself in detail the provision of funds for every branch of the public service throughout India. The business of supervising in a central office all the details of the receipts and expenditure of the Empire had become so enormous, that its proper performance was impossible. "I do not think," wrote Sir Henry Maine in 1867, "that anybody can have observed the recent workings of our system of financial control without coming to the conclusion that, if it be not on the point of an inevitable collapse, it is at all events in great danger of going to pieces unless the strain be lightened somewhere. The rules imposed on the Local Governments depend for their force, like all laws, on the efficacy of the penalty which they threaten in the event of disobedience. The penalty is, in the present case, a reproof from the Government of India. But if any Local Government has become—which any Local Government

might become at any day—entirely callous to the rebukes of the Government of India, through discovering—which any Local Government may at any time discover—that these rebukes lead to no ulterior consequences, then the Central Government may find itself compelled to condone infractions of its rules, and to allow the share of its revenues which it has allotted to a particular Province to be exceeded."

'For many years before Lord Mayo became Viceroy, the ordinary financial condition of India had been one of chronic deficit, and one of the main causes of this state of affairs was the impossibility of resisting the constantly increasing demands of the Local Governments for the means of providing many kinds of improvement in the administration of their respective Provinces. Their demands were practically unlimited, because there was almost no limit to their legitimate wants. The Local Governments had no means of knowing the measure by which their annual demands upon the Government of India ought to be regulated. They had a purse to draw upon of unlimited, because of unknown, depth. They saw on every side the necessity for improvements, and their constant and justifiable desire was to obtain for their own Provinces and people as large a share as they could persuade the Government of India to give them out of the general revenues of the Empire. They found by experience, that the less economy they practised, and the more importunate their demands, the more likely they were to persuade the Government of India of the urgency of their require-

ments. In representing those requirements they felt that they did what was right; and they left to the Government of India, which had taken the task upon itself, the responsibility of refusing to provide the necessary means.

'The Government of India had totally failed to check the constant demands for increased expenditure. There was but one remedy: namely, to prevent the demands being made; and this could only be done by imposing on the Local Governments a real and an effectual responsibility for maintaining equilibrium in their local finances. There could be no standard of economy until apparent requirements were made absolutely dependent upon known available means. It was impossible for either the Supreme or Local Governments to say what portion of the provincial revenues was properly applicable to local wants. The revenues of the whole of India went into a common fund, and to determine how much of this fund ought fairly to be given to one Province and how much to another, was impracticable. "The distribution of the public income," Major-General R. Strachey wrote, "degenerates into something like a scramble, in which the most violent has the advantage. As local economy leads to no local advantage, the stimulus to avoid waste is reduced to a minimum. So as no local growth of the income leads to an increase of the local means of improvement, the interest in developing the public revenues is also brought down to the lowest level."

'The unsatisfactory condition of the financial rela-

tions between the Supreme and the Local Governments led to still more serious evils. Constant differences of opinion about petty details of expenditure, and constant interference of the Government of India in matters of trivial importance, brought with them, as a necessary consequence, frequent conflicts with the Local Governments regarding questions of provincial administration of which they were the best judges, and of which the Government of India could know little. The relations between the Supreme and Local Governments were altogether inharmonious, and every attempt to make financial control more stringent increased the antagonism.

'To Lord Mayo belongs the honour of applying the only effectual remedy for these serious evils.

'We have now (1873) had nearly three years' practical experience of the new system, and are in a position to judge what the actual results have been. It is idle to discuss the subject any longer on purely speculative grounds. The facts are easily available, and nearly all the highest authorities in India have given their opinions in regard to the results which have been obtained.

'The first class of questions regarding the effect of the new system on the relations between the Imperial and Local Governments, and in regard to economy and efficiency in the administration, is, I think, easy to answer. I confidently assert that, in India at least, no difference of opinion remains on the subject. Objections have been made to certain details of the new arrangements, and imperfections

have been pointed out. For my own part, I have no doubt that many of these objections are well founded, and that there are various changes and improvements which it will be essential, sooner or later, to make. But in regard to the general success of the new system, so far as it has gone, there neither has been, nor is, any difference of opinion.'

In one respect, however, it has not been found expedient to allow the intentions of Lord Mayo's Government to receive their full development. In its first inception, the policy of enlarging the powers of the Local Administrations included the ultimate expansion of local rates and taxes. The two projects are not essentially connected; but as a matter of history, the question of local taxation proceeded *pari passu* with the question of provincial assignments. Both of these great topics had engaged the attention of Indian Statesmen before Lord Mayo's rule. What he did was to find a successful solution for the first of them, and to place the second in a train for practical settlement.

The question of Provincial Taxation was by no means a new one. As far back as 1861, Mr. Laing, when Financial Member of the Governor-General's Council, had set forth the policy of easing the central Exchequer by Local Rates. He pointed out that, however anxious the Supreme Government might be to enable the Local Governments to carry on works of internal improvement, it simply did not possess the requisite funds; and that the Provincial Governments must either find what they needed by

means of Local Taxation, or the works must be left undone. His advice to them would be, he said in his Budget Speech of the 27th April 1861, 'Take what we are able to give you, and for the residue take certain powers of Local Taxation and raise it yourselves.'[1] He enumerated several sources of revenue which could 'be dealt with far better by Local than Imperial Taxation,' and dwelt especially on the capabilities of tobacco in that respect. 'The discussion on this subject last year,' he continued, 'and the returns from the various Local Governments, prove distinctly that there is no scheme of uniform and Imperial Taxation (on tobacco), applicable to all India, short of a Government monopoly, to which there are grave objections. But many of the Provinces could raise a considerable revenue without sensible pressure from tobacco, if left to deal with it in their own way, and under a system which might vary in case of need, so as to suit the peculiar circumstances of each district. Well, we say to them, take tobacco and make what you can of it for your local roads and canals, instead of the allotment which we wished to give you, but could not afford from the Imperial Budget. The same principle applies to other subjects of taxation. We place no limit upon it except this, that every proposal for Local Taxation shall be subject to sanction by the Governor-General in Council, and by the Legislative Council when a law is required, in order to see that it is not inconsistent with Imperial Taxation or

[1] Annual Financial Statements, 1860-61 to 1873-74, page 62.

with Imperial Policy. We have already received from several Local Governments the most satisfactory assurances of their ability to raise considerable sums by small and comparatively unfelt local taxes for local objects. By this means not only will the Local Budget obtain the requisite relief, but more money will, on the whole, be raised and expended on useful local works.'[1] The fact is, that the financial difficulties which followed the Mutiny rendered it clear that adequate provision could not be made for the public service, especially in the important Departments of Public Works and Education, without calling on the people to bear fresh burdens.

These burdens were distributed into two forms, increased Imperial Taxation and additional Local Rates. The former was laid on in the shape of an Income Tax and an enhanced Salt-Duty, a more severe Excise and augmented Customs. The Local Rates were of many sorts, and before Lord Mayo's administration, had become a recognised source of revenue. Each year saw them develope into a more and more important element of Indian finance. For as the standard of administrative efficiency advanced under the Queen's rule, each Provincial Government became clamorous for more courts, more schools, more policemen, more roads, better sanitation, increased safeguards against famine by canals and works for the husbanding of the water supply. Mr. Laing's successor

[1] To Mr. Laing belongs the credit of sketching in this and other of his official utterances, several of the financial reforms, including the enlargement of the financial powers of the Local Governments, which Lord Mayo worked out as practical measures ten years later.

followed in the direction which he had pointed out. 'It is impossible,' said Sir Charles Trevelyan in his Budget speech of 7th April 1864, 'that all the wants of this great continent, according to the continually rising standard of the public requirements, can be provided for out of the Imperial Revenue. Local agency and local revenues must be increasingly drawn upon; and the Imperial expenditure must be gradually confined to such objects as are of common interest to the whole of India. It is time that the people of this country should learn to raise and spend their own money in maintaining the roads, improving the sanitary state of the towns, assisting education, and promoting every other object of local interest.'[1] Sir Charles concluded by an exhaustive exposition of the state of Provincial Taxation at that time, showing the Local Funds estimate for 1864–65 at just under two millions sterling.

His successor, Mr. Massey, insisted on Local Taxation as the chief resource in case of a financial crisis. 'There are many charges,' he said in his speech of the 24th March 1866, 'debited to Imperial Revenue, which might be transferred to Local Funds. I hold in my hand a paper showing that the actual sum received from Local Funds in 1864–65 was £2,451,000. It is impossible to believe that the capacity of this country to contribute to local objects is measured by such a sum as 2½ millions. I do not want to quote the precedent of England; but I may just remark that England, besides a revenue of £70,000,000, pays

[1] Financial Statements, p. 150, lines 37 *et seq.* (condensed).

£17,000,000 by voluntary assessment for local objects. I do not say that it is practicable to raise such a sum as that for local purposes in this country. But surely the disproportion between these two figures might be reduced; and we might fairly expect that, on a redistribution of our burdens, we may look to the Local Governments to raise by local taxation a sum which will relieve us to a certain extent from charges which properly belong to Local Revenue, and unfairly find their place in the Imperial accounts.'[1]

The financial difficulties in which Lord Mayo found the country involved, led him to consider the possibility of giving a practical development to principles which had thus obtained the assent of each of the successive Finance Ministers of India during the preceding ten years. 'Each Province,' says his Resolution of 14th December 1870, 'has special wants of its own, and may have means for supplying them which could not be appropriated for Imperial purposes. A tax adapted to the circumstances of one part of the country may be distasteful or inapplicable elsewhere; and everywhere rates may be proper for provincial or local purposes which could not be taken for the Imperial Revenue. These principles are now generally recognised, and important steps have been already taken to develope provincial resources. The Government of Bombay has for some years raised a considerable revenue for local purposes. Important measures to this intent are under the consideration of the Legislative Council of Madras. The Govern-

[1] Financial Statements, pp. 208, 209.

ment of Bengal is maturing a scheme in accordance with the decision of the Secretary of State, for the levy of a rate for local objects in the Lower Provinces of Bengal. In all the other Provinces of India, Provincial Revenues have long been raised, and measures for increasing them are now being devised.'

These measures threatened to take a trenchant form. At first Lord Mayo contemplated a plan of making the enlargement of the financial powers of the Provincial Governments the occasion for transferring a considerable share of the Imperial burdens to local rates. He keenly realized the strain to which the retrenchments of 1869-70 had subjected the administration, and he not less seriously realized the difficulty of retaining the Imperial Taxation at the rate which he had found necessary to quench the chronic deficit. Early in the financial year of 1870-71 he made up his mind that he could not continue the Income Tax at the high rate of $3\frac{1}{8}$th per cent., and he thought that an enlarged policy of Provincial Taxation should take its place. At one moment, indeed, it seemed that it might be necessary to call upon the Provincial Governments to find no less a sum than two millions a year in addition to the local rates then existing. But happily the worst of his difficulties had even then been surmounted, and the gloomy prospects for the future cleared away. At the end of the year (1870-71) he found that he could reduce the Income Tax to one-third, *i.e.* from $3\frac{1}{8}$th to $1\frac{1}{4}$th per cent., and yet have to saddle the Local Governments with only £330,801 instead of two millions sterling.

In fixing the permanent Provincial assignments, he therefore deducted from the previous grants of the Local Governments an aggregate sum of barely one-third of a million.

From this point of view, therefore, Lord Mayo's scheme of enlarging the financial freedom of the Provincial Governments advanced *pari passu* with the development of Local Taxation. But as a matter of fact, the £330,801 which he deducted from the previous Imperial grants for Provincial services, did not in itself involve fresh Local Taxation. For, under the old system, all balances remaining at the end of the year lapsed to the Imperial Exchequer, and (to quote from a statement which Mr. Chapman has kindly prepared for me) 'the sum deducted by Lord Mayo did not exceed the usual savings from the grants in any one year. The deduction may therefore, in one sense, be considered as nominal only, and Lord Mayo's measure did not actually necessitate the imposition of any new rates at all.'

But whatever the precise degree of connection between the two schemes of Permanent Provincial Assignments and Local Taxation, it is the fact that substantial additions were at the time in course of being made to the local rates in most of the Provinces. Lord Mayo's Government was distinctly in favour of this method of raising revenue. It is scarcely needful to add that he was well aware of the necessity for watching the development of the powers thus granted to the Provincial Administrations. Indeed, in his Resolution of the 14th December 1870, Lord Mayo

distinctly announced his determination 'that the demands on the people for provincial purposes' should not be 'indefinitely or too rapidly increased.' It must never be forgotten that, shift the weight as we may, the burden of taxation remains a heavy one upon the people. Although the Provincial Governments bring a more minute knowledge of local wants and of local capabilities to the imposition of a cess, they as little represent the real wishes of the people as does the Central Government. The natives of India draw as yet but little distinction between Municipal, Provincial, and Imperial Taxation. All are equally attributed to the British Government, and all are equally disliked. Indeed, some experienced administrators believe that a tax becomes the more obnoxious in India as the power from which it emanates is nearer and more familiar. A heavy contribution levied arbitrarily by Her Majesty the Queen for Imperial purposes, and without any reason assigned, would probably be accepted as a decree of fate; while the smallest cess raised by the village authorities for village improvements might cause acute irritation.

While, therefore, Lord Mayo, in giving practical effect to a policy which had long been approved of by the highest authorities in India, secured the equilibrium of the finances, it should not be forgotten that the burden was merely readjusted, not removed. He attempted no feats of financial jugglery, but told men plainly what he was doing. By mobilizing the formerly hard and fast grants for provincial services, he created among the Local Governments a new and

permanent motive for economy. By definitely accepting the development of provincial rates as a means of relief to the Imperial Exchequer, he endeavoured to enlist the best local knowledge in the distribution of the inevitable burdens on the people.

The subject of Local and Municipal Taxation forms, perhaps, the greatest financial problem which lies in the immediate future of Indian government. It may be well to state precisely the dimensions which it has at present reached. In 1872-3 the whole Local Taxation of India, as distinguished from the Imperial Revenues, amounted to $3\frac{1}{4}$ millions sterling. Of this sum only one half, or about $1\frac{3}{4}$ millions, were the proceeds of rates, cesses, or any other form of actual taxation, the remainder being obtained from tolls, port dues, interest, public property, foundations, and miscellaneous items. Ten years previously, in 1863-4, the Local Revenues stood at just under two millions sterling; but I cannot ascertain that the accounts of the two years are so constructed as to allow of the figures being fairly compared. Unquestionably, however, there has been since 1863-64 a real, although a comparatively small, increase of Local Rates in most of the Provinces. By far the larger part of this increase took place before Lord Mayo's accession, and was perfectly independent of his system of provincial assignments. Looking to the expense of municipal and local administration in other countries, it can scarcely be hoped that the provincial rates in India will not still further increase. Lord Mayo's system of permanent provincial grants

may not have immediately and directly involved an increase of local taxation; nevertheless it cuts adrift further local improvements from the Imperial Revenues, and definitely fixes them upon local rates. As the people learn to appreciate the value of pure drinking water, good drainage, well-equipped hospitals, and the various appliances by which a civilised administration makes life more healthy and more pleasant, they will have to pay for each new addition to the public comfort by Local Taxation. It should never be forgotten that, besides the 75 millions of Imperial Revenue raised in Great Britain and Ireland,[1] the cost of municipal and local administration amounts to another 38½ millions, of which 26½ are raised by local rates.[2] It is absurd to suppose that a country containing six times the population of Great Britain and Ireland will permanently defray the local and municipal cost of civilised administration on 3¼ millions, of which only 1¾ millions consist of actual taxation. The wise policy will doubtless be for the foreign rulers of India to wait upon the popular will in such matters, rather than to unduly press forward in advance of the wishes and of the standards of the people.

The Financial Secretary to the Government of India, in the paper which he has kindly drawn up for

[1] English Budget for year ending March 31, 1874. Estimated Revenue, £73,762,000; actual receipts, £77,335,657. *Statesman's Year Book* for 1875, p. 215.

[2] I trust for these figures (£38,691,328 and £26,444,136 respectively) to the *Statesman's Year Book* for 1875, p. 220. They refer to the financial year ending 31st March 1872.

me, thus describes the results of the late Viceroy's dealings with the Local Governments :—'Lord Mayo's administration will always be remembered for the introduction of the system of provincial finance. Others had talked of such a system, indeed, had talked of it pretty constantly for the past ten years; Lord Mayo actually inaugurated it, and inaugurated it in opposition to the officers of the Financial Department. Indian statesmen are habitually cautious, and although there are authorities of great reputation in favour of a free development of provincial independence in financial matters, that development is likely to be slow. Lord Mayo himself was' [as I have already explained] 'radically opposed to anything like the disintegration of the British power in India, and emphatically disclaimed the epithet of "decentralization" as applied to his policy.'

No account of Lord Mayo's financial measures would be complete which passed over the Income Tax. The suitability of this impost to India has during fifteen years formed the subject of a great conflict of opinion among Indian statesmen. Lord Mayo found it in operation when he received charge of the country, and he largely resorted to it as a means of substituting surplus for chronic deficit. During his Viceroyalty the final battle was fought with regard to its merits as an engine of Indian taxation, and the struggle left behind a certain bitterness which has not yet died away.

One of the chief steps taken by the Right Hon. James Wilson in 1860, with a view to restoring the

finances after the Mutiny, was the imposition for the first time in India of an Income Tax. The perils from which the country had just emerged, and the vast expenditure which the work of re-conquest involved, had prepared the public for sacrifices even more severe than those demanded by Mr. Wilson; and an Income Tax at the rate of 4 per cent. ($9\frac{3}{5}$d. per £) did not immediately excite opposition. But no sooner had he retrieved the finances than vigorous controversies arose regarding the instrumentality by which he had attained the desired end. The advocates of the tax argue that without some such impost the wealthier classes of India, the classes who can best afford to pay taxation, escape their due share of the public burdens. The eastern policy of levying the revenue almost entirely from the land was always, they maintain, faulty in this particular; and its defects were so patent to eastern rulers, that they supplemented it by arbitrary exactions from the moneyed and trading classes. These exactions, which formed a natural complement of a revenue system based chiefly on the land tax, have become impossible under a civilised Government, such as England has given to India. British India abounds in wealthy bankers, merchants, professional men, and capitalists of many sorts, who owe their riches to the peace and order imposed by the British Government, but who, unless they also happen to be landholders, contribute nothing like a fair proportion to the cost of that Government. Persons who think in this way do not deny the strong dislike both of the European and of

the native communities to an Income Tax. But they remember Burke's apothegm, quoted by Mr. Wilson, that it is as difficult to tax and to please as to love and to be wise. Any form of taxation by an alien Government, such as ours in India, must be unpopular. And they hold that it is better to have a just and righteous system of taxation, even at the expense of a little extra unpopularity, than basely to consult our own ease, and win the silence of the rich by perpetuating an injustice to the poor.

To the argument from the comparative unproductiveness of the tax, as hitherto levied, such thinkers urge our want of experience, together with the disadvantages under which the revenue officers have been placed by the indecision of the Government, and by the policy which has always imposed the tax as a merely temporary expedient. It is not likely, they say, that people will quietly accept a tax when the Government thus deliberately holds out a hope to them that agitation will compass its removal.

The opponents of the Income Tax in India do not dispute its theoretical justice, but denounce it on practical grounds. The more moderate among them, while fully admitting the merits of direct taxation, believe in the words of a distinguished Lieutenant-Governor,[1] that 'the difficulty of applying it in India equally, and without the most deplorable oppression, is, in the present state of native society, all but insuperable.' They accordingly hold 'that almost any indirect tax is preferable to a direct one, and that,

[1] The Honourable E. Drummond, 8th March 1866.

however great may be the objection in theory to the duty on salt, even an addition to this duty would be really a mercy to the people, and would be accepted as such if it saved them from the evils of direct taxation.'

It is seldom, however, that language so temperate is employed. Even well-poised minds, like that of the late Sir Henry Durand, lose their habitual air of deliberation when denouncing an impost which they regard in India as a vast instrument for extortion and oppression. This eminent administrator declared, as the result of his mature experience, that the amount raised is quite incommensurate with the popular discontent and ill-will which it produces. 'Direct taxation,' he said in 1868, 'is so odious that it proved formerly a signal failure. It was utterly hateful and offensive to the people, and did more to demoralize them than all the Government attempts at education, or missionary attempts at the introduction of Christianity, could counteract in a century.' 'As official salaries are the only class reached within any degree of certainty or precision, the scheme resolves itself into a very simple process of adding to the burdens of the official classes in a degree very measurable; and also of adding in a degree not measurable to the discontent and the unblushing evasions' of the natives in general, who bitterly resent any 'approach to inquisitorial valuations of income.' Sir Henry Durand sums up his verdict on it, as a measure most admirably adapted to secure a maximum of irritation with a minimum of profit.

Sir William Mansfield, now Lord Sandhurst, the greatest military financier who has held the post of Commander-in-Chief in India, declared that 'the Income Tax caused the British Government to be hated, and, I believe, reviled throughout the land.' If such are the opinions of grave statesmen writing or speaking within the calm precincts of the Council Chamber, it may be well imagined with what rancour the Income Tax has been assailed by the outside community, European and native, throughout India, and by the press.

Nor has the history of the impost tended to allay the outcry against it. Mr. Wilson's Income Tax was for five years only, and even during that period the Government found it expedient so far to yield to the popular clamour as to reduce the rate from 4 per cent. ($9\frac{3}{5}$d. in the £) to 2 per cent. ($4\frac{4}{5}$d. in the £). Indeed, as soon as the tension of public feeling induced by the Mutiny had somewhat relaxed, the Indian Government found a rigid enforcement of the Tax impossible, and its strict assessment was early given up. The tax was not renewed at the end of the five years. But the estimate of ways and means for 1865–66 showed a deficit of £658,550; and the new Viceroy, Sir John (now Lord) Lawrence, who judged of the public mind by his experience during, and just subsequent to, the Mutiny, was strongly in favour of reimposing the Tax. But the adverse opinion of Sir Charles Trevelyan, then Finance Minister, and of the other members of the Government, prevailed against the measure. Sir John Lawrence gave up the Tax,

and fell back upon additional export duties, with a loan for Public Works, as an alternative method for adjusting the estimated deficit. Both of these expedients were disallowed by Her Majesty's Secretary of State. Sir Charles Trevelyan shortly afterward resigned his office, and the Right Hon. Mr. Massey succeeded him.

The estimates for 1866 brought out a deficit of £66,700. Nevertheless, Mr. Massey, while announcing the intention of Government to recur to an Income Tax if necessary, did not think it prudent to immediately impose any fresh burdens on the people. The truth is, that he hoped to relieve the drain on the Imperial Exchequer by a development of Local Taxation, and by reductions of various sorts. In the following year, however, he found it impossible to further postpone a recurrence to direct taxation in some shape. A 'Licence Tax' was imposed for 1867–8, followed by a 'Certificate Tax' in 1868–9. 'These taxes,' writes the Financial Secretary to Government, 'were in fact Income Taxes in everything but in name, roughly assessed upon all incomes except those derived from lands and from the public funds.' The rates averaged about one per cent., or $2\frac{3}{5}$d. in the £.

The Government felt at the time that such imposts were not strictly defensible, and the Council being divided against itself, showed a broken front to the public opposition. 'It is impossible for me,' wrote the Commander-in-Chief in a protest to the letter which carried home the decision of the

Governor-General in Council, 'with my strong convictions, to sign this despatch without an earnest protest against it.'

This protest bears date the 24th October 1868. On the 12th January 1869, Lord Mayo succeeded to the complications which it, and other expressions of opinion of greater intensity, had left behind.

The Licence Tax and the Certificate Tax had strongly agitated the public mind. Much may be said in favour of a tax upon all incomes, and something in an Oriental country (which levies a heavy land-revenue) for a tax upon trades, professions, and accumulated capital, however employed, *except in land*. But a partial tax of the latter sort, which goes beyond its own proper limits, and yet does not include the entire area of incomes of every class, is liable to the gravest objections. The Licence Tax was an imposition of this sort, and the Certificate Tax was practically the Licence Tax under another name.

They were intended as a sop to the wealthier and more clamant classes, and they excluded from their incidence, not merely capital invested in land, but also investments in the funds. On the other hand, they included the incomes of public servants. Lord Lawrence's Government had felt that such taxes were not defensible, and this fact soon became known. Its Financial Member, in introducing the Act into the Legislature for imposing the Certificate Tax in March 1868, broadly admitted that 'if you insist upon strict equity in your assessment,

I have no defence to make for a tax of this kind.' Both taxes were in fact bad compromises between the necessities of the State and the public aversion to an Income Tax.

They failed, as compromises which depart from sound principles generally do fail. The Licence Tax met with a storm of resistance. Our officers collected it with their usual impassivity to clamour; but it was assailed by incessant protests, both to the Government of India and to the Secretary of State. The mere change of the name from Licence Tax into Certificate Tax did not make it less unpopular. The Bengal Chamber of Commerce urged the Government to substitute an enhancement of the Salt-Duty, or a Tobacco Tax, or a Succession Tax, in fact any other form of taxation, in place of the odious impost. The Government remained firm, but it resolved during the year 1868–69 to take up a more logical attitude at its close, by falling back upon a true Income Tax mildly assessed. This was the state of the question when Lord Mayo received charge of the country in January 1869. Lord Lawrence's Government had arrived at its decision after careful deliberation and sharp controversy. That decision had been formally ratified by the Secretary of State. It only remained for Lord Mayo, on his arrival, to carry it out; and an Income Tax at the rate of about one per cent. was imposed for the financial year 1869–70.

The Tax was estimated to yield £825,000; but upon the review of the finances made by Lord

Mayo after the discovery of the deficit in 1869, it appeared improbable that this sum would be realized. Accordingly, one of the measures taken by him for redressing the adverse balance, was to raise the Income Tax from one to 2½ per cent. during the latter half of the year.

Notwithstanding the unpopularity of the Income Tax, this increase was accepted at first without serious opposition. Lord Mayo's candid statement of the difficulties into which the finances had fallen, bound together all sections of the community in loyal support of the measures necessary to retrieve them. But the moment that his retrenchments and vigorous reforms had removed the immediate pressure of deficit, the outcry broke out again more loudly than ever. As in the case of Mr. James Wilson's Income Tax, it became evident that the measure would be acquiesced in only under the compulsion of a necessity so patent and so urgent as to withdraw the question from the field of ordinary criticism. The opposition was embittered by the very success of Lord Mayo's measures, which quenched the adverse balance, and left room for writers not fully informed of the facts to complain that the increase of the Income Tax during the current year had not been really required.

Unfortunately, the actual state of the finances convinced the Executive Government and the Legislature alike, that the doubling of the Income Tax had not only been necessary in 1869–70, but that they would have to still further increase it during

the following year. Accordingly, an Act was passed by the Legislature, after full and public discussion, imposing an Income Tax for 1870–71, at the rate of $3\frac{1}{8}$th per cent. ($\frac{1}{2}$ an anna in the rupee, or $7\frac{1}{2}$d. per £). This rate may not startle the British taxpayer educated by long habitude to the Income Tax, and it was lower than Mr. Wilson's Income Tax ten years before. But in India it seemed absolutely oppressive. As a matter of fact, Lord Mayo would himself have been contented with a lower rate. But he was determined above all things that surplus should henceforward take the place of deficit, and the Financial Member who was personally responsible for carrying out that policy of surplus, thought that an Income Tax even at $3\frac{1}{8}$th per cent. would be barely adequate to accomplish it. He resolved, as the estimates during many years had proved too sanguine, that if they erred at all in 1870–71, they should err on the safe side. Sir Richard Temple therefore adopted a lower estimate for the Opium Revenue, and insisted on a higher rate of Income Tax than the Viceroy and certain other Members of the Government would have done. But he framed his Opium Estimates on the advice of the highest authorities among the commercial community; and both the Viceroy and the Secretary of State accepted his high Income Tax. Much of the unpopularity which resulted fell unjustly on Sir Richard Temple. Lord Mayo would have been the last man in the world to take to himself the credit of substituting steady surplus for chronic

deficit, a credit to which he is most honourably entitled, and to have left to his Finance Minister the odium of the trenchant measures required for effecting the reform.

Viewed by the light of after events, there seems little doubt that the Viceroy might have adopted a less stringent course; but neither his Executive Council nor the Legislative body could at that time have hoped to produce an assured surplus by less unpopular means. For years the Government had calculated on the buoyancy of the Finances in framing its estimates; and for years the result had been an annual deficit. It was within Lord Mayo's province as Viceroy to declare that henceforth such deficits should cease, and to mark out that policy of vigorous finance by which he accomplished his object. His Finance Minister had the heavy responsibility of carrying out the policy. If he erred, his mistake lay in insisting upon more absolute safeguards than, as proved by the event, were required.

Lord Mayo hesitated long and anxiously before he consented to the Income Tax at $3\frac{1}{8}$th per cent.; but with a perfect knowledge of the unpopularity which the measure would involve, he accepted it as necessary to his policy. The result proved, and here I quote the deliberate opinion of the Financial Secretary four years afterwards, that an Income Tax of two per cent. ($4\frac{4}{5}$d in the £) would have sufficed for the wants of 1870–71. Had the Government confined itself to that rate, and boldly laid it on for a period of five years, it is possible that the Indian

public would have submitted; the agitation might have worn itself out; and a moderate Income Tax might perhaps have now formed a part of the permanent revenues of the country. But the Government imposed the tax confessedly as a temporary expedient for a single year: imposed it at a rate which the people of India declared with one consent, and in a most unmistakeable tone, to be excessive; and the Indian Income Tax was doomed from that day.

The events of the year 1870-71 convinced Lord Mayo that the solvency of the Empire was secured. He felt that he had only to pursue his course of rigid economy in order to prevent a recurrence of deficit, and in 1871-72 he reduced the Income Tax to one-third, or $1\frac{1}{4}$th per cent. The finances still continued to show an upward tendency, and during the last month of Lord Mayo's life he was engaged in anxiously considering whether he could not do without the Income Tax altogether. On the fatal voyage across the Bay of Bengal, the subject was constantly present in his mind, and I have the best authority for stating that his final utterances on the question pointed to the removal of the tax at the end of the financial year. Before that time arrived, his body was being borne to its resting-place in Ireland, and it was left to his successor, after a further reconsideration, to abolish the tax.

It would ill become a private critic to speak with anything like dogmatism touching a matter to which the collective wisdom of the Government of India has been thus continuously and thus strenuously directed.

Three separate schools of thinkers have always existed, and still exist in India, with reference to the Income Tax. One of them regards that impost as a resource which the Government may wisely fall back upon as an exceptional measure in times of financial pressure. It is the *deus ex machina* with which to encounter deficit. Another, while admiting its abstract merits, considers it unsuited to the Indian people, and a most dangerous experiment for an alien Government to attempt. The third regards a light Income Tax, continuously and gently enforced, as a measure safe in itself, and capable of yielding an increasing although a moderate relief to the finances. Such thinkers hold the *deus ex machina* theory to be essentially unsound. They argue that, so long as the Income Tax continues to be spasmodically levied, the people will always look upon it as a measure which can be defeated by bringing pressure to bear on the Government.[1] They believe that in imposing a temporary tax at an excessive rate, such as the $3\frac{1}{8}$th per cent. in 1870-71, the Government simply kills the goose that might lay the golden eggs. They point out that on each occasion of the Income Tax being imposed afresh, the whole series of inquisitorial investigations which cause discontent, and which give opportunities for extortion, are renewed. All

[1] The difference of the financial situation in England and in India may be realized from the circumstance, that although the English Income Tax is in theory supposed to be of a temporary character, it is nevertheless quietly submitted to year after year; while in India the fact of its not being resolutely adopted as part of the permanent revenue, acts as an encouragement to a universal opposition.

admit that the impost, if continuously administered, would yield a growing source of income; and every officer practically versed in its collection knows that once the preliminary inquiries have been made, and the special staff required for working the tax fairly organized, oppression practically ceases. They advocate, therefore, in the words of Sir John Strachey, 'a light Income Tax as a permanent part of our system of taxation.' They argue with him, that it is want of knowledge, and the temptations to oppression felt by official underlings who know that they are only temporarily employed, which render each reimposition of the tax so unpopular. 'I am satisfied,' wrote Sir John Strachey in a Minute dated the 9th October 1868, 'that the unpopularity of the Income Tax of 1860—an unpopularity which was felt far less by the Indian taxpayers than by the English officers who administered the law—was almost entirely caused by the manner in which the tax was first assessed, and by the unfortunate machinery with which it was worked. The tax was an entirely new one. Returns of a very complicated and unintelligible character were called for from all classes.' The same misfortune in a modified degree has attached to each reimposition of the tax. The people have always associated it with fresh intrusions into that domestic privacy with regard to which they are so sensitive; and they have always felt that the burden was a temporary one, whose duration would be regulated according to the vehemence of their opposition.

Before leaving the subject, it is right for a biographer

to state the Earl of Mayo's personal relations to the Income Tax. On his arrival in January 1869, Lord Mayo had to consider two Despatches. One was a Despatch from the Government of his predecessor, Lord Lawrence, urging on the Secretary of State the imposition of an Income Tax; or more strictly, the conversion of the Certificate Tax into an Income Tax for the year 1869-70, the year about to begin. The other was a Despatch from the Secretary of State sanctioning the proposal. Whatever might have been the Earl of Mayo's own views on the subject, the imposition of the Income Tax was a foregone conclusion before he arrived; for no Viceroy during his first two months of office can, without grave impropriety and public scandal, reverse a decision deliberately arrived at by his predecessor, and formally sanctioned by the Secretary of State. But while the responsibility for the Income Tax in its inception does not rest with Lord Mayo, the responsibility for its continuance certainly did rest with him. It was a responsibility that he accepted with deep reluctance. 'I fear,' he wrote privately to one of his Lieutenant-Governors, as early as August 1870, 'that I must come to the conclusion that any *direct* tax which is collected to a great extent through the agency of native officials, must be intensely unpopular, and a source of oppression in India.'[1] 'I am quite willing to admit,' he wrote to another Governor a day or two later, 'that the levy of the tax on incomes below a certain amount, say £100 to £150, is unsuited to India; not because it is unjust

[1] To Sir William Muir, 4th August 1870.

in itself, but because it cannot be levied without the large employment of native officials. There is therefore a wide door for oppression. I am coming fast to the conclusion that we can hardly venture to impose, as a permanent part of our system, any direct taxation whose collection cannot be placed almost entirely in the hands of European officials of good standing.'[1] 'The feeling against the Income Tax,' he said in a personal letter to the Duke of Argyll, 'continues in as great force as ever. There is much more reason than I at first supposed in the objections as regards its levy from the poorer natives, and I am inclined to think that no direct tax can be levied in India through the agency of native officials without causing much oppression. This is the real blot.'

It may well be imagined with what a heavy heart he publicly consented to the continuance of an impost regarding which he privately entertained the above views. But the exigencies of the treasury seemed to himself and his Government to be imperative. In the Government of India no single man, however exalted, gets entirely his own way. All that Lord Mayo could do was to cut down the obnoxious tax to one-third[2] in the following year, 1871-72, and to exempt the smaller incomes upon which it had pressed most heavily. He hoped against hope that these reductions and a better organized system of collection would free the poor from oppression; and at the same time he conscientiously approved of the Income Tax in

[1] To Lord Napier of Ettrick, 6th August 1870.

[2] From 3⅛ to 1¼ per cent.

theory as a means of reaching the wealthier classes of native society. I have said that on his last fatal journey he had come to the private conclusion that the tax could not be maintained. Here is his final official utterance on the matter, written in January 1872, just before starting for Burmah, and after a most anxious consideration of the reports which he had gathered from every Province and District of India on the practical incidence of the impost: 'These papers throw more light upon the working of the Income Tax than anything I have yet read. I cannot accept the deduction that the 1 per cent. Licence Tax and the 1 per cent. Income Tax were not unpopular. With regard to the tax at the present [low] rate, all that is said is that there is a feeling of relief. After such an *exposé* of the hardships that could be inflicted, we ought certainly to withhold our consent from any proposal which might continue the bare chance of such injustice, even if it affected a very limited number of people. It will rest with those who propose the continuance of the Income Tax in any shape to prove to demonstration that such a state of things can be effectively guarded against.'

Another subject of great financial interest in India to which the Earl of Mayo paid special and anxious attention was the Salt-Duty. A net revenue of about $5\frac{1}{4}$ millions sterling is raised from this source. It falls chiefly on the masses of the people, and has formed the subject of much controversy.[1] In the

[1] The Salt-Duty is discussed at considerable length, as regards its effect on the rural masses, in my *Orissa*, vol. ii. pp. 124 to 163.

first place, the duty exceeds by many times the value of this prime necessary of life; in the second place, the preventive restrictions necessary for the security of the revenue interfere with the trade, and greatly enhance the prime cost of salt, quite apart from the duty. Thus, Oudh under its native Governors manufactured its own salt, and supplied it at a very cheap rate throughout the Province. The restrictions imposed for the purpose of our Salt-Duty crushed the local manufacturers. The chief arguments in favour of the tax are derived from the facts, that the people are accustomed to it, scarcely conscious of it, and offer no opposition to it. Nevertheless the mere fact of popular acquiescence does not satisfy a true economist, and Lord Mayo felt that as the Salt Revenue could not be spared, no effort should be wanting to reduce its concomitant evils.

India derives her supply of salt from four sources. First, from the great salt range in the further Panjáb, which contains inexhaustible masses of the purest alimentary salt. Second, from certain salt lakes and saline deposits in Rájputáná and Central India, chiefly within native territory. Third, from Cheshire and other places beyond the sea, whence it comes at very low rates of freight, principally to Bengal. Fourth, from salt pans along the coast of Madras, Orissa, and the edges of the great maritime shallows in the north of the Bombay Presidency.

The duty varies from a rupee on every 40 lbs. in Madras and Bombay, to a rupee on every 25 lbs. in Lower Bengal. The differential rates existing in the

several Provinces prove a source of heavy expenditure to the State, of much interference with interprovincial trade, and of incessant annoyance to the people. These variations form part of the legacy of misrule handed down to us from the days of the Mughul Empire. During the eighteenth century, the central power at Delhi fell into so weak a state that each distant governor set up for himself, and in matters of taxation, as in many other respects, did what was right in his own eyes. We found India split up into a multitude of territorial entities, and a wise instinct against too rapid centralization has shrunk from obliterating certain of the evil as well as some of the good features of separate government. In many respects, the British Power has welded the Provinces of India into one Imperial unit. The same great codes of justice now run throughout the length and breadth of the land; but each Presidency has still its own Legislative Council (subject to the control of the Governor-General), and each still retains some feature of the separate fiscal systems bequeathed to us by the native governments.

Nor is a defence wanted for such distinctions. In the case of the Salt-Duty, the variations of incidence have been justified by arguments derived from the comparative local weight of other taxation, the comparative facilities for evasion of the duty, and the greater or less consumption of salt required by the staple food or the habits of the people. Thus it seems a blunder, as indefensible as it is cruel, to cut off the trade between two conterminous Provinces like

Bengal and Madras, by a cordon of preventive officers, involved by the different salt duties in these two Presidencies. But, say the advocates of the existing system, it would in reality be unfair to impose the higher Bengal Salt-Duty on the husbandmen of the Southern Presidency, seeing that they consume more salt, and already pay, head by head, as much duty, although at a lower rate.

After a patient consideration of the arguments on both sides, Lord Mayo did not think it wise to attempt any heroic remedy. But he resolved to reduce the checks which the system placed upon trade to the minimum. As regards the line between Bengal and Madras, inquiries were set on foot, which ended, after his death, in the abolition of the cordon of revenue harpies who had so long preyed upon the free interchange of commerce between the two Presidencies. The credit of this reform belongs, however, to Mr. George Batten, the Commissioner of Inland Customs, acting under Lord Mayo's successor, rather than to Lord Mayo. Mr. Batten found that, by graduating the difference in the duty across the intermediate Province of Orissa, he could render smuggling unprofitable, without a preventive line.

'This line,' writes a Secretary to Government, 'was guarded by a great body of customs officers, and intercepted the whole trade of the country across which it ran. It would be difficult to exaggerate the vexatious interference with commerce and the annoyance to the people to which it gave rise.'

I have the same authority for stating that Lord Mayo

had set his heart upon the abolition of the corresponding lines which still cut off one Indian Province from another. But he felt that their abolition would be a work of time, and meanwhile he devised such immediate mitigations as might be possible. He laboured to lighten to the utmost the actual weight of the Salt-Duty on the people, by lessening the prime cost of the article and cheapening its carriage. To this end, the workings in the saline range in the Panjáb were reorganized; and the cost of transit from the mines to the centres of consumption was reduced by improved communications. The Earl of Mayo also acquired for the British Government a permanent lease of the Sambhar Salt Lake, by treaty with the Máhárájás of Jaipur and Jodhpur. He took steps for its efficient exploitation, and a line was begun, which now connects the lake with the general railway system of India, both at Delhi and at Agra. The reopening of the salt works in Oudh was sanctioned, as an experiment. This experiment has not yielded permanent fruits; but Lord Mayo's other measures with a view to the mitigation of the Salt-Duty have already produced valuable results, and they develope new capabilities every year. The old cry of a salt famine in Northern India has ceased; and without anywhere lessening the rates levied by Government, Lord Mayo's reforms have in many places decreased the total cost of the article, and thus lightened its actual weight on the people.

This practical alleviation of a burden which he found himself powerless to wholly remove, had at-

tracted Lord Mayo's attention at the outset of his rule, and continued one of the reforms on which his heart was bent at the time of his death. 'If we get rid of the internal frontier-customs-lines,' he wrote to a friend, a month after he assumed the Viceroyalty, 'cheapen the cost of carriage, and equalize the Salt-Duty all over India, we shall confer a great boon on all, develope trade, and increase consumption, without materially endangering revenue. But many interests have to be consulted before a general plan can be decided upon.' He lived to see the accomplishment of part of this programme; the rest he bequeathed, in the very last Financial Minute which issued from his pen, to his successors.

In the foregoing pages, I feel how inadequately I have dealt with Lord Mayo's financial work. But it is impossible to travel over the whole area of his reforms, without devoting to them a greater space than the scale of this volume permits. Yet, before leaving the subject, I feel that I ought to try to present a summary of his financial policy as it developed in his own mind, and as he expressed it in his own words. I shall confine myself to quotations from his private letters—quotations commencing within a few weeks after he received charge of the country, and ending within a day or two of his starting on the last fatal voyage across the Bay of Bengal. His one central idea was to establish and to maintain an equilibrium in the finances, and to substitute a state of steady surplus for a state of chronic deficit. He effected this purpose, chiefly by a most searching

economy in every department, small or great, of the public expenditure; but partly, also, by increased taxation.

He assumed office on the 12th January 1869, and, writing to a friend early in April 1869, he said: 'There are two things quite evident in Indian Finance. First, that the ordinary revenue is not sufficient for the present expenses of the civil and military administration, if we are to do our duty to the people of India; and that this ordinary revenue cannot be much increased. Second, that large reproductive works are possible, which will add materially to our power and wealth, and to the prosperity of the people; but that the expenses of these works cannot be defrayed from ordinary revenue. These are two simple facts, which lead to two conclusions: That we must economize to the utmost for the first, never in time of peace allowing expenditure to exceed income; and that we must borrow for the second.'[1]

'I know all the difficulty and unpopularity that attaches itself to such a task,' he wrote a few months later;[2] 'but I am equally convinced of the rectitude of our course, and of the imperative necessity that exists for immense exertions being made at once to put a stop to a state of things under which a great Empire is drifting into bankruptcy.' 'Indian finance,' he wrote, in a serio-comic vein, on hearing that 'certain friends of the services' were about to oppose his

[1] To Mr. Arbuthnot, 7th April 1869.

[2] To the Honourable Sir William Muir (now Finance Minister of India), 19th Sept. 1869.

retrenchments in England, 'is very sick. The doctor says that he can save his life, and make him well in two years. He has written the prescription, and the medicine is ordered. It is very nasty, and may cause some vomiting and purging. But if the affectionate relatives, from feelings of mistaken kindness, refuse to administer the dose, or limit the quantity, the patient will either die, or will in the end be forced to swallow something much stronger, nastier, and possibly more dangerous.' As that opposition declared itself, he fronted it with a fierce impatience which cowed the self-seekers into silence. 'Provincialism is strong,' he wrote in 1870; 'self-interest is difficult to beat; highly paid incompetency always finds hosts of advocates. The public service is a secondary consideration; and numbers openly advocate burdens on the people, rather than such a diminution of expenditure as can reasonably be effected. But'—the net result of his resolute will was, that while he found the average 'ordinary' expenditure in the two years preceding his first Budget at £47,606,637 per annum, he left the expenditure in the second year after his first Budget at £43,069,506.[1]

But he felt bitterly the personal attacks of those upon whose lucrative ease he had thus sternly intruded. 'I believe,' he wrote, after his measures began to bear fruit,[2] 'that not only have we been spending much more than we can afford, but much more than is

[1] These figures give the sums in sterling, after reducing the rupee to its actual value. The totals, as represented in Parliamentary Returns, at the nominal rate of ten rupees to the £, will be given further on.

[2] To the Duke of Argyll, 9th Jan. 1871.

necessary. I have incurred odium, have been greatly misrepresented, and have been engaged daily in the most disagreeable duty that can fall to the lot of a public man—namely, in an onslaught on extravagance, and an attack on interests, unnecessary offices, and useless people. It is very probable that I have been over-eager, and felt disappointed because my views have not been accepted *in toto*, which perhaps I had no right to expect.'

'We must put a stop,' he wrote to another friend, 'to *variableness in our finance.*'[1] But he keenly felt that 'there can be no real finality therein as long as opium forms so large a portion of our resources. All we can say is, that we will use the strictest economy, that we will apportion the expenditure as fairly as possible among the various public claimants, and that we will not get into debt. There are many reductions of Imperial Taxation still desirable. The export duties on corn are hampering one of our staple branches of trade, the sugar duties on our [internal] customs line are opposed to every sound principle, and the salt duties require much revision.'[2]

'I have tried hard,' he wrote somewhat sadly, just after his third and last Budget in March 1871, 'to achieve the task which I began in September 1869. You can have little idea of the labour and anxiety which I have undergone. But the end is not yet. For the smallest relaxation of the severe financial standard which we have adopted, would

[1] To Lord Napier of Ettrick, 20th Nov. 1870.
[2] To Mr. Arbuthnot, 4th January 1871.

bring us to precisely the same results as it did in former years, and plunge us again into a chronic deficit. I fail to see that the reductions which we have effected have impaired the efficiency of the public service in any particular. A great many unnecessary works have been stopped or postponed; the mania for brick and mortar has been checked, and a general feeling in favour of economy seems for the moment to prevail.'[1]

The necessity for keeping down the expenditure as the one great source of stability in the finances, pressed heavily upon him during the last weeks of his life. 'What are we to do,' he wrote at the end of 1871, 'to keep our finances right? We have to reduce expenditure; we have to re-adjust our railway rates; we have to consider the great question of salt; we have to try and bring opium to something like an equable source of income over a series of years; we have to watch our land revenue, and to decide the great question as to [land] Settlements. Increased taxation is almost impossible; but it is within our power [by means of economy] to carry on our Public Works without borrowing on the gigantic scale of late years.'

'I am convinced,' he wrote just before starting on the voyage from which he never returned, 'that it is our duty to continue our exertions in favour of reducing, with untiring zeal. That the *status quo* as regards our taxation, is one which it is impossible to maintain. That if by putting down all unnecessary

[1] To the same, 15th March 1871.

expenditure we can obtain a surplus in our Budget for 1872-73, [on the construction of which he was then engaged, but which he did not live to complete], we cannot venture to retain the Income Tax without offering substantial relief in other ways. That in considering relief, the abolition of the salt line, or of a great part of it, should be our first object; the equalization of the Salt-Duty, the second; the removal of the Income Tax, the third; and of the export duty on grain, the fourth. That if we determine to continue the Income Tax, we cannot leave it in its present shape; and unless we deal with it very effectually, we cannot continue it at all.'

I subjoin a brief statement showing to what extent the Earl of Mayo carried out his policy of economy and retrenchment. In a former table (p. 50) I have shown the results of his measures by a comparison of the three years preceding his accession, with the equilibrium which he established in his first year, and with the surpluses of the three succeeding ones. The last of the years then given, although its finances were carried out on the basis which he had prepared and left behind, belongs to the following Viceroyalty. I therefore now place side by side the revenue and the expenditure of the five years which ended with his death. The first two years represent the state of things before he received charge of India; the third shows the result of the severe September measures during his first year of office; the last two cover the remainder of his Viceroyalty, when his system was in full work. The change from deficit to surplus dis-

closed in these short columns represented to him three years of wearing anxiety and labour. From the toil he never shrank, but he sometimes felt cruelly the attacks of those whose private interests he had subordinated to the public necessities. For the sake of more easy verification by the reader, I here give the figures as returned in the officially published Financial Statements at the nominal exchange of 2s. to the rupee[1]:—

Year.	Revenue.		Ordinary Expenditure.
1867-68	£48,429,644	Years of Deficit preceding Lord Mayo's Rule.	£49,437,339
1868-69	51,657,658		54,431,688
1869-70	50,901,081	Year of equilibrium; his first year of office.	50,782,413
1870-71	51,413,685	Years of Surplus; his last two years of office.	49,930,695
1871-72	50,109,093		46,984,915

The average yearly revenue for the two years preceeding Lord Mayo's first Budget was therefore £50,043,651; the average annual 'ordinary' expenditure for the same period, £51,934,518. The average yearly revenue for the two last years of Lord Mayo's rule was £50,761,389; the average 'ordinary' expenditure for the same period was £48,457,805. Any apparent discrepancy between the figures here and those given on p. 50, or elsewhere, is owing to the fact that,

[1] Annual Financial Statements, 1860-61 to 1873-74, pp. 299, 329, 375, 419, 469.

as previously shown, the totals are reduced to sterling, while these now given are, as stated in the official Papers, at the nominal exchange of 2s. to the rupee.

The three years of Lord Mayo's rule left a surplus of $4\frac{1}{3}$ millions (reduced to stg.), and nearly redressed the deficit of $5\frac{3}{4}$ millions during the three preceding years. This surplus was derived to a small extent from increased taxation, which during his three years averaged £50,807,953 against £50,043,651 during the preceding two years; but chiefly by rigid economy—the expenditure of his three years averaging only £49,232,674 against the pre-existing scale of £51,934,518.[1] The Earl of Mayo must be held, therefore, to have kept his word as regards retrenchment. Many of those who most heartily recognise his services to India, believe that he would have better consulted his reputation, and the true interest of that country, by contenting himself with equilibrium without aiming at surplus. But he had the authoritative and final decision of the Secretary of State as to the necessity of budgeting for a surplus; and, indeed, in a country like India, with a land revenue at the mercy of a few inches more or less of rainfall, and an opium revenue dependent on the chances of a foreign market, to estimate for a surplus is the only safeguard against realizing a deficit. It should also be remembered that it is this practice of leaving nothing to fortune that has given to English Chancellors of

[1] I again give the figures at the nominal exchange of 2s. to the rupee, for the convenience of the English reader who may desire to verify them from the official Returns.

the Exchequer their high reputation among the world's financiers. During the twelve years ending the 31st March 1874, ten have been years of surplus to the British treasury, and two have been years of deficit. The total of the deficit was just over 4 millions; the aggregate of the surplus was just under 30 millions.[1] If, therefore, the Earl of Mayo erred in placing the Indian finances on a basis of surplus, he had the precept of the Secretary of State, and the example of the ablest financiers whom modern England has produced on his side. He did not live to enjoy the fruits of his labours; and I cannot conclude this inadequate sketch of them better than by the sentences in which the Financial Secretary to the Government of India summed them up in a letter written to me three years after Lord Mayo's death—when his work had been tested by the touchstone of time, and its net value ascertained.

'Lord Mayo's close personal attention to financial questions never flagged. He had by decisive measures established steady surplus for chronic deficit; he had increased the working power of the Local Governments, while checking the growth of their demands upon the Imperial treasury. He had established a policy of systematic watchfulness and severe economy. The time was now coming when the results of all his exertions and sacrifices were to be gathered; when the Viceroy would be able to

[1] I derive these totals from the 'actual receipts' for the individual years, as given in the *Statesman's Year Book* for 1875, without the means of verifying them.

gratify his nature by granting relief from the burdens which he had reluctantly imposed. Lord Mayo was occupied with such questions on the very journey which ended so fatally. He had reason to hope that effective remission of taxation would soon be practicable, but he was still uncertain what shape it ought to take. It should never be forgotten that the welcome measures of relief which the Government subsequently found itself in a position to effect, were possible only in consequence of Lord Mayo's vigorous policy of retrenchment and economy. His career was cut off just when the fruit for which he had made such sacrifices was ripening.

'He found serious deficit, and left substantial surplus. He found estimates habitually untrustworthy; he left them thoroughly worthy of confidence. He found accounts in arrear, and statistics incomplete; he left them punctual and full. He found the relation between the Local Governments and the Supreme Government in an unsatisfactory condition, and the powers of the Local Governments for good hampered by obsolete financial bonds. He left the Local Governments working with cordiality, harmony, and freedom, under the direction of the Governor-General in Council. He found the Financial Department conducted with a general laxity; he left it in vigorous efficiency. And if the sound principles be adhered to, which Lord Mayo held of such importance, and which in his hands proved so thoroughly effective, India ought not again to sink into the state from which he delivered her.'

CHAPTER VII.

MILITARY REFORMS.[1]

THE Mutiny of 1857 left on the hands of the Government of India two great armies—a vast shattered wreck of Native Troops, and a European Force, fewer in numbers, but admirably equipped, hardened by a fierce struggle, and organized on the basis of constant readiness for war. In the year preceding that memorable lesson, the Native army had numbered 249,153 men; the European regiments, 45,522.[2] The teaching of the Mutiny resulted in

[1] The materials from which this chapter have been written are:—(1) A MS. Memorandum, prepared in the Military Department of the Government of India, 'Measures disposed of in 1869, 1870, 1871'; (2) A *précis*, kindly drawn up for me by Colonel Owen Burne, C.S.I., Private Secretary to Lord Mayo, treating of the Viceroy's personal share in these measures, and supported by correspondence; (3) 'The Viceroy's Notes in Council,' a series of eleven folio volumes, containing the Minutes of Lord Mayo and his Councillors, placed at my disposal by his family; (4) a Collection of Papers and Despatches, supplied by officers in India; (5) Parliamentary Returns, 'East India (Military Expenditure),' signed by Major-General Pears, 16th August 1871 (ordered to be printed 17th August); 'Statistical Abstracts relating to India;' and other Blue Books.

[2] Par. 11 of Secretary of State's Despatch to Governor-General in Council, Feb. 24, 1870. I beg that any one who may take the trouble to check figures or statements in this chapter will verify them from the sources whence they are quoted. To this end I cite, whenever possible, the Despatches and Minutes made available to the public in the Parlia-

the reduction of the Native army by nearly one-half, and in the increase by about one-half of the British troops. In 1862, after all apprehension of renewed hostilities had disappeared, and the armies rested on their new peace footing, the native force consisted of 140,507 officers and men, the European troops of 75,337.[1] Under the vigorous Government of Lord Lawrence from 1864 to 1869, as the civil administration grew more effective, and the country settled down into assured internal tranquillity, it was found possible to make further reductions, which left the Native army on the 1st April 1869 at 133,358 of all ranks, and the European force at 61,942.[2]

During the last two years of this period, indeed, the question had been more than once raised as to whether the military expenditure could not be still further curtailed. Lord Lawrence's chief advisers were Sir William Mansfield (now Lord Sandhurst), then Commander-in-Chief; Major-General Sir Henry M. Durand; and Colonel, now Lieut.-General Sir, Henry Norman. In 1867, Lord Sandhurst and Sir Henry Durand came to the conclusion that, from the military point of view, 'although the Bengal Native army could not be safely diminished, yet

mentary Papers, especially in the Return, 'East India (Military Expenditure), ordered by the House of Commons to be printed 17th August 1871.' I venture to make this request, as I do not find the facts regarding the subject-matter of this chapter always represented in precisely the same way in the different State Papers, on which my narrative is based.

[1] Statistical Abstract relating to British India, 1862–1871, presented to both Houses of Parliament by command of Her Majesty, 1872, p. 45.

[2] *Idem.*

that a certain number of Madras and Bombay regiments might be reduced.'[1] But other considerations besides those of merely military efficiency had at that time to be allowed for. The rapid changes already effected during the preceding two years rendered it expedient that both officers and men should have a breathing space; and on these grounds of general policy, Lord Lawrence and his advisers decided against further reductions in 1867.[2]

Next year, however, his Government returned to the subject by another line of approach. Sir Henry Norman, then Secretary in the Military Department, drew up a memorable report,[3] which, while passing over the question of numerical reduction of the troops, showed that a saving might be effected in the Army Staff charges for the Madras and Bombay Presidencies. His scheme left the fighting strength of these local armies untouched, but curtailed certain unnecessary appointments. Lord Lawrence, with his Council and the Commander-in-Chief (Lord Sandhurst), adopted Colonel Norman's proposals,[4] and pressed them upon the Madras and Bombay Governments.

This was the situation when Lord Mayo reached Calcutta. But exactly a fortnight after his arrival, the Duke of Argyll, as Secretary of State for India,

[1] Par. 5 of Despatch from the Governor-General in Council to the Secretary of State for India, No. 169, dated 23d June 1871.

[2] *Idem.*

[3] Dated Simla, 23d July 1868.

[4] Minutes by Viceroy and the Commander-in-Chief, dated 23d and 24th July 1868. The whole of these papers will be found in the Blue Book of 1871, p. 36 *et seq.*

penned a Despatch which gave a new importance and a quickened vitality to questions of Indian military reform. His Grace pointed out that, notwithstanding the numerical decrease in the forces since the Mutiny, the expenditure on them had increased from 12¾ millions sterling in 1856–57 to over 16 millions in 1868–69.[1] He also alluded to the fact, that while a new and costly system of police had been organized, the expectations of army retrenchment based upon it had borne no fruit. The Despatch concluded with a hope that the Viceroy would devise means to bring down the army military expenditure in India by a million and a half sterling.

The facts which Lord Mayo soon afterwards elicited as to the unsatisfactory state of the Indian Finances, give a deep significance to the Duke of Argyll's instructions. On its arrival, the Viceroy had forwarded it, in the customary way, to the Madras and Bombay Governments for consideration. During the summer of 1869 he gave his earnest attention to the questions involved, investigating one by one the twenty separate grants of the Indian Military Budget. In September he brought the subject formally before his Council. His advisers came to the work with the knowledge and experience accumulated in similar inquiries during Lord Lawrence's Viceroyalty. Lord Sandhurst was

[1] Par. 5 *et seq.* of Secretary of State's Despatch to the Governor-General in Council, dated 26th January 1869. Throughout this chapter I give the figures in pounds as they are shown in the Blue Books or Despatches, whence they are taken. To find their real value in sterling, the sums expended in India should be reduced by one-twelfth; those which refer to the Indian military expenditure in England are correct as they stand.

still Commander-in-Chief; Major-General Sir Henry Durand, the Military Member of Council; and Lieut.-General Sir Henry (then Colonel) Norman, the Secretary in the Military Department. Their previous efforts at military retrenchment had been directed partly to numerical reductions, partly to a more stringent economy in the Staff and the various departments charged with the army administration. They now found that, as regards the latter class of charges, a vast saving might be effected by a better distribution of the duties, and a more accurate adjustment of appointments to the actual amount of work to be done. But they also found that economy in administration, however stringent, would be wholly inadequate to meet the case; and that, even if they suddenly cut down every such grant for the effective services in India by one half, the saving would fall short of the 1½ millions desired by the Secretary of State.[1] It is hardly necessary to add, that no measure of this sort was ever contemplated by the Duke of Argyll, for it would have left the army shattered and utterly disorganized.

The allusion to the new police, whose increased numbers had led to the expectation of reductions in the army which, as His Grace pointed out, had not been realized, seemed designed to strengthen the Indian Government in its previous second line of approach, namely, by numerical reductions. The same military authorities who in 1867 had deemed

[1] Despatch of the Governor-General in Council to the Secretary of State, 23d June 1871, par. 12.

such reductions precluded by considerations of 'general policy,' now ascertained that those considerations had lost their former force. They found that the progress of good government, the more efficient police alluded to by the Secretary of State, the improved weapons of the troops, and the development of the railway system, would enable them to guard India in 1870 with a less costly army; as the same set of influences had enabled them to guard India with a smaller army in 1867 than three years before.[1] The problem before the Viceroy and his advisers was, by combining numerical reduction with economy in army administration, to effect a saving in the military expenditure which might approach to the 1½ millions suggested by the Secretary of State; without impairing the defences of the Empire.

In working out this problem the Earl of Mayo had the help of as able a group of military advisers as ever stood around a Governor-General of India. Lord Sandhurst, Sir Henry Durand, Sir Henry Norman, and the chiefs of the Staff, were soldiers who had learned the actual requirements of an Indian army by the stern teaching of Indian war, and who came to the questions now raised after a ten years' training in the work of military reorganization. The scheme of military reform which Lord Mayo's Government developed represented the collective sense of the above-named advisers. It consisted of specific proposals on

[1] In 1864, British troops of all ranks, 71,618; native army, 135,673; total, 207,291. In 1867, British troops, 62,328; native army, 128,186; total, 190,514. *Statistical Abstract*, presented to Parliament by command of Her Majesty, 1872, p. 45.

a large number of heads—proposals which were embodied in Despatches to the Secretary of State during the three following years, but which were not (so far as I can find in the mass of materials before me) condensed into any single document. I purpose, therefore, with the aid of Lord Mayo's personal papers, kindly supplied to me by his private secretary, to exhibit the scheme as a whole, and as it developed itself to the Viceroy's own mind; and then to give a very brief narrative of the success or failure of the individual measures which it involved.

Lord Mayo found, as his predecessor had done, that army retrenchment might be effected by two distinct lines of approach,—by economy in the military administration, and by numerical reduction of the forces. Each of these subjects again divided itself into two great branches, the former into retrenchments in the Staff, and retrenchments in the Army Departments; the latter into reductions in the European troops, and reductions in the Native army. He ascertained that retrenchments aggregating £79,000 were possible without any sacrifice of efficiency in the Staff and the Military Departments; and he stringently carried them out. But when he came to reductions in the European troops, and in the Native army, he found that the questions involved were of a more complex character; and as his views on these points have been sometimes misunderstood, I shall endeavour to state them in his own words.

As regards the European troops, he believed that he had not one man too many in India. In a

private letter[1] to one of Her Majesty's Ministers, after urging his plan of retrenchment, he writes thus: 'One thing, I implore, may not be done, and that is the removal of a single British bayonet or sabre from India. We can, I believe, reduce our military expenditure by a million, without giving up one of the little white-faced men in red.' 'We are strongly impressed with the belief,' he wrote, in his public Despatch a few weeks later,[2] 'that we have not one British soldier too many in this country. We should most strongly object to any reduction of their number, because we are convinced that such a step could not be taken without endangering and weakening authority, one of the mainstays of British rule.'

Nevertheless, he proposed to reduce the charges for the European troops by half a million sterling. This, too, without decreasing their rank and file by a man, or the pay of either officers or men by a shilling. He proved that one great cause of the increased military expenditure, of which the Secretary of State so justly complained, arose from the fact that European regiments in India had gradually declined from their full effective strength, so that a larger number of separate regiments were required to give an equal total of fighting men. He proposed, by strengthening each regiment, to keep the same total of fighting men, and to reduce the number of separate regiments. He would thus get rid of the

[1] Dated 9th September 1869.

[2] Governor-General to Secretary of State, No. 349, dated 4th October 1869, para. 24.

costly organization of eleven extra European regiments, and of the heavy drain on the Indian Treasury which the needless number of regimental headquarters involved. The rank and file would be slightly increased, the pay of officers and men would remain the same. The Indian military authorities believed that efficiency would not be lessened, while the abolition of the superfluous regimental headquarters and similar charges in the British cavalry and infantry alone would yield an annual saving of £297,220. A corresponding, but not quite identical, reform in the artillery would add a further saving of £271,542 sterling a year. Total saving in European troops, £568,762.

'When we recollect,' wrote the Viceroy in his Despatch of the 4th October 1869 to the Secretary of State, 'what is required, or may be required, of the British troops in India, we are convinced that we have no excess in strength of British soldiers; but we think that an economy may be effected without any loss of numbers, save to an inappreciable extent, by employing fewer regiments, but giving to each regiment a greater strength.' Thus in 1869 the Indian Treasury was charged with 52 separate regiments of British infantry, each regiment having 40 company sergeants, and 790 rank and file. Lord Mayo proposed to relieve seven of these regiments from Indian service, and to raise the strength of the remaining forty-five, to 50 sergeants and 930 rank and file. The number of company sergeants and rank and file, given by the 52 regiments of infantry,

on their existing basis, was 43,160. The total strength of the 45 regiments, on the stronger footing proposed by the Indian Government, would have been 44,100, showing an increase of 940 rank and file, with a certain decrease in other grades represented by the officers and staff-non-commissioned officers of the seven regiments dispensed with. The saving to the Indian Exchequer would be £122,220 a year.[1]

As regards British cavalry, Lord Mayo found the Indian revenues charged with 11 regiments, having an average strength of 378 privates, or a total of 5,060 of all grades. The Viceroy, with the approval of his military advisers, proposed to reduce the number of British cavalry regiments to 7; but to raise each of them to a strength of 518 privates, or a total of 4,200 of all ranks. The difference between the seven regiments thus strengthened, and the eleven regiments on their pre-existing basis, would be a diminution of 860 cavalry, as against the increase in the British infantry, above indicated, by 940 men. The Commander-in-Chief and the other military advisers were unanimous that this could be done with due regard to the requirements of the country. The eventual saving in the British cavalry would amount to £175,000 per annum.[2]

With regard to the third branch of the European army in India—the Royal Artillery—the case was

[1] Despatch from Governor-General to Secretary of State, No. 349, dated 4th October 1869, para. 31.

[2] Governor-General to Secretary of State, No. 349, 4th October 1869, paras. 26, 28.

different. The Earl of Mayo's military advisers believed that the organization of the Royal Artillery in India was not only on a wasteful system, but that the system was inherently unsuitable to the country, and a source of weakness to our position. 'We are convinced,' says a Despatch, conveying the deliberate conclusion of his Government, 'that we have an excess of batteries of horse and field artillery, and we have the testimony of every officer of experience that the batteries themselves are insufficiently manned.'[1] This conclusion was backed by elaborate papers by the Commander-in-Chief (Lord Sandhurst), by Major-General Sir Henry Durand, and by the Adjutant-General of the Army. It is impossible to read these exhaustive documents without a conviction that the heads of the Indian army brought forward their proposals with a view to increased military efficiency, quite as much as with a view to decreased military expenditure. They believed the existing system to be not only extravagant but dangerous. They proposed to remedy it by reducing the number of undermanned batteries, and by raising the strength of each of the remaining batteries to a standard of absolute efficiency.

As then constituted, the Royal Artillery serving in India was distributed into 16 brigades, with 94 batteries, manned by 11,993 officers and men of all ranks. The Earl of Mayo and Lord Sandhurst proposed to reorganize it on the basis of 12 brigades, with 80 batteries, manned by 11,525 officers and men of all

[1] The same to the same, No. 363, 18th October 1869, para. 3.

ranks. The reorganized force would give a smaller total by 468 of all grades, but a decrease in the actual number of gunners and drivers by only 6 men.[1] The saving effected by the reorganization would be from £231,542 to £252,558 a year,[2] besides cost of purchasing horses and stores, estimated at £40,000 per annum.[3] The total eventual saving by a reduction of the gunners and drivers throughout India from 9,294 to 9,288 (or 6 men) would therefore be, to take the lowest estimate, £271,542 per annum.[4]

Lord Mayo's Government urged this reorganization of the Royal Artillery serving in India on grounds of efficiency as well as on financial considerations. The Viceroy, writing privately to a friend, stated the case thus: 'I think it is not desirable to keep a large number of batteries of artillery in an under-manned state. In view of possible war, I should be more anxious to make the reductions I have suggested than I am now, because if any augmentations are required, they should only be made in certain directions; and if we are disembarrassed of a number of comparatively useless corps, we can add to the strength of the warlike position of our army without difficulty.'[5]

[1] That is to say, 9,288 drivers and gunners under the proposed organization, as against 9,294 under the old.

[2] According as the scheme worked out by the Commander-in-Chief, or the alternative one by Major-General Sir Henry Durand, might be accepted by the Secretary of State. I have taken my figures from the Comptroller-General's detailed *Estimates* (pp. 153–165), both as to the saving in money and the actual reduction in men.

[3] The Adjutant-General's Letter, 12th October 1869, para. 15, p. 168 of Blue Book.

[4] For its numerical effect on the batteries and guns, see *post*, p. 121.

[5] Dated 11th December 1870.

The Minutes by the Commander-in-Chief and Major-General Sir Henry Durand express similar views, but in stronger terms. 'The same facts,' wrote the Adjutant-General of the Army, 'of the insufficiency of men as compared with the number of guns, have been reported over and over again by the four Inspectors of Artillery, by general officers commanding divisions, and commanding officers of brigades and batteries.' There were only enough gunners to man two-thirds of the guns, except for mere purposes of parade; an arrangement, says the same authority, which is 'not only extravagant, but creates a delusion which might have dangerous consequences. These facts have been proved in the recent campaigns, when officers commanding batteries, on first entering the field, have been obliged to leave two' (out of six) 'guns in store.'[1]

Major-General Sir Henry Durand, the Military Member of the Viceroy's Council, recorded his deliberate opinion 'that the brigade system is one not suited to our requirements,' and 'overloads us with field-officers of artillery, for whom there is really no employment.'[2]

The Commander-in-Chief (now Lord Sandhurst), after pointing out that artillerymen were in reality artisans carefully trained in a special craft, whose numbers cannot be suddenly augmented on the breaking out of war like the ranks of the cavalry and infantry, wrote :—'If we have a nominal return of 100

[1] Adjutant-General's Letter, 17th October 1869.
[2] Minute, dated 16th October 1868, para. 35.

guns as being in field battery in time of peace, and the establishment of men and horses are only able to work and drag 50 guns, it is clear either that the former must be doubled' (which he had just shown to be impossible on the breaking out of war), 'or that directly we begin to move on account of active service, 50 guns must be returned into store. Those conversant with Indian campaigns, who have seen the reduction of batteries from six guns to four in the face of the enemy, and the importation of dragoons into the artillery ranks to enable even the latter reduced number not to lie idle, will be able to make the necessary application for themselves.'[1]

The Commander-in-Chief therefore insisted on first ascertaining the actual number of guns required for India, and next on having each one of them efficiently manned. He laid stress upon the substitution then being introduced of rifled guns for smooth-bores.[2] The conclusion to which he and the other military authorities came was, that they would have a stronger artillery force by maintaining 49 horse and field batteries with rifled guns, thoroughly manned, than they had had from their 63 field and horse batteries of smooth-bores inadequately equipped. I have shown the reduction in men which the measure involved, to enable it to be placed side by side with the numerical changes in the cavalry and infantry. But the strength of artillery is estimated in guns rather than in men,

[1] Minute by the Commander-in-Chief in India, attached to the Governor-General's Despatch 363, dated 18th October 1869.

[2] In the Adjutant-General's Letter of 17th October 1869. Blue Book, p. 167.

and I give this aspect of the proposed reorganization below.[1] Instead of having 94 batteries insufficiently manned by 9,294 drivers and gunners, there would be 80 batteries efficiently manned by 9,288. There would be a decrease of 84 guns (from 378 to 294), owing to the reduction of horse and field batteries. But the 294 guns would be rifled, instead of smooth-bores; and every one of them would have a full crew to bring it into the field, instead of a third of the guns having to be left behind, as on the old organization.

Taking the lowest estimate of the artillery retrenchments (*i.e.* the Commander-in-Chief's, adopted by the Viceroy), the foregoing changes in the British artillery, cavalry, and infantry would yield an aggregate saving of £568,762 a year to the Indian Exchequer, without any sacrifice in the efficiency of the Indian defences.

The possibility of reductions in the Native army remained. In the exhaustive discussions which the

	Old Plan.	Plan proposed by Major-General Sir Henry Durand.	Plan proposed by the Commander-in-Chief and Government of India.
[1] Horse Artillery, . . .	20 Batteries.	6 Batteries.	14 Batteries.
Light Field Artillery, .	43 „	43 „	35 „
Garrison Artillery, etc.,	31 „	31 „	31 „
Total of Batteries,	94 Batteries.	80 Batteries.	80 Batteries.

Under the heading Garrison Artillery are included 4 heavy batteries and 2 mountain batteries.

Earl of Mayo and his military advisers gave to this question, two considerations constantly came to the surface. First, that the lengthy, exposed frontier of Northern India, with the fierce elements of internal disquiet within it, rendered any substantial reduction of either native cavalry or native infantry in Bengal impossible. Second, that the separate *esprit de corps* of the Madras and the Bombay native armies would resent reductions which fell exclusively upon them, and left the Bengal native army untouched. The Viceroy and the Commander-in-Chief were most anxious to avoid wounding the *amour propre* of any one of the three gallant bodies of men who make up the native army in India; but their paramount duty—a duty which ranked above all local considerations—was so to shape their reductions as not to impair the defences of British India.

'Having regard to our widely-extended frontiers, the immense area of the (Northern) Presidency, and the demands of Calcutta and the Seat of Government, I do not think,' wrote the Commander-in-Chief,[1] 'that we have a sepoy too many in the Bengal command. The Madras Government admitted, two years ago, that their army was redundant.' The Commander-in-Chief then referred to a similar statement by the Bombay Government, and to the improved police organization of that Presidency. 'It is shown by returns recently prepared in the Military Department,' he continued, 'that the native soldiery

[1] Minute in Council, by Sir W. R. Mansfield (Lord Sandhurst), dated 11th September 1869.

are greatly more expensive in the Madras and Bombay armies than in that of Bengal; and it may be assumed with perfect certainty, that the natives of Northern India make more effective soldiers than those of the South. On the grounds, therefore, both of economy and efficiency,' concluded Lord Sandhurst, in anticipation of the argument that the Madras troops, although scarcely required for actual war, were useful as a reserve, 'it seems proved that to maintain a reserve of military forces for all India in the Southern Presidencies is a wrong measure, founded on a fallacious argument.' Lord Sandhurst then went into the detailed reductions which he believed could be made in the Madras and Bombay regiments, with absolute safety as regards the military requirements of India, and with the minimum of irritation to the *esprit de corps* of local armies.

General Sir Henry Durand took a more trenchant view. The three armies are three separate organizations, and form historical memorials of the time when British India practically consisted of three distinct countries. General Durand, like other experienced military administrators, believed this system to be unsuitable to the India of our day. He thought it an anachronism at once extravagant and pernicious, in an Empire which is now firmly welded into an entity by railways and girt round by steam navigation, that there should be three independent Commanders-in-Chief, and three rival sets of costly Headquarters Establishments and Army Departments. 'I would propose,' wrote Sir Henry Durand,

as Military Member of the Viceroy's Council, 'but one Commander-in-Chief, and that the commands of the Madras and Bombay armies be merged in that command.[1] The Madras and Bombay forces are in reality not more than each a weak *corps d'armée*, and in no other army in the world would separate Commanders-in-Chief be assigned to such forces. When the difficulties of communication rendered intercourse between the Presidencies slow and tedious, and when the Native armies were much stronger than they are at present, there was a practical reason for these commands being separate from that of Bengal. Powerful Native States intervened, and there was not that unity of British dominion and coherence of its parts which now have place. All this has greatly changed, and even with the addition of the Madras and Bombay armies the Commander-in-Chief, at the head of 192,762 or 191,704 European and Native troops, could move about and inspect and control the whole force far easier than in 1857 he could the 160,133 which then constituted the Bengal force alone. The difference of about 32,000 men, which would be in excess of the command in 1857, is more than compensated by the facilities which railways alone afford for the movements of a Commander-in-Chief; and steam communication has improved as well as railways. In 1857 the Madras command was over a force numbering 61,970; it is now reduced to 44,852, and admits avowedly of still further reduction. The Bombay command was, in 1857, over a force of

[1] Minute in Council, 30th August 1869, paras. 29, 31.

55,643; it is now reduced to a force of 46,874, all told. Under these circumstances, I cannot see the necessity for maintaining in 1869 the same number of commands-in-chief for a total of 192,000 men, as was kept up in 1857 for 276,000 men, when neither railways nor steam communication presented the facilities of locomotion they now offer. I am therefore of opinion that, without any detriment to the service, a saving of £23,000 can be effected by the reduction of the Madras and Bombay commands-in-chief.'

The Earl of Mayo was resolved above all things that there should be no ground for suspecting that his Government tampered with the efficiency of the Native army for the sake of economy. His Finance Minister very appropriately raised the question as to whether such a concentration of the three commands would not impair the value of the local armies as a counterpoise against each other, in case of the mutiny of one or other of them. To this, Major-General Sir Henry Durand replied: 'I do not think that this proposal involves, as supposed by my honourable colleague, Sir R. Temple, a fusion of the Native armies and a loss of their traditions. That result is not a necessary consequence, for there is nothing to prevent the department of the Adjutant-General having, when amalgamated, distinct sections for the Bengal, Madras, and Bombay Native armies, the recruiting of which should, in my opinion, be kept perfectly distinct; the reliefs of which also should be made to circulate within, so to speak, provincial

limits. I have no doubt that the concentration of three commands under one Commander-in-Chief would result in a reduction of the departments of the Adjutant-General and Quartermaster-General, inasmuch as the substitution of one headquarters for three headquarters could not fail to effect some considerable reduction of these now distinct establishments. Manifestly, instead of three Adjutant-Generals and three Quartermaster-Generals, one Adjutant-General and one Quartermaster-General would suffice; though three Deputy Adjutant-Generals and three Deputy Quartermaster-Generals might still be required for these administrative departments at first. I say at first, because there is no reason why ultimately some further reduction should not be possible. The reduction of two Adjutant-Generals and two Quartermaster-Generals would yield about £10,000, and the concentration of the establishments might give a further £4,000. Altogether, therefore, the reduction of the two minor commands-in-chief, and of their appendant Adjutant and Quartermaster-Generals, would result in a saving of about £37,000 per annum.

'If this were thought too sweeping a change, and objectionable on political or administrative grounds, then I am strongly of opinion that the commands of the Madras and Bombay armies might be amalgamated; and that the Indian forces might then practically be under one Commander-in-Chief, having under him all the troops to the line of the Nerbudda, and a second Commander-in-Chief, subordinate to the

first, having under him all the forces south of the line of the Nerbudda. The Commander-in-Chief north of the Nerbudda would be over a force of about 104,475. The one south of the Nerbudda would command about 86,000 men, according to present strength.'

Lord Sandhurst, while agreeing with Sir Henry Durand as to the waste and folly of the three separate commands-in-chief, proposed an alternative plan of reorganizing the army under a single Minister of War in India, together with five Lieutenant-Generals, each in command of a local *corps d'armée.* 'The present system,' wrote the Commander-in-Chief, 'simply prohibits the Government of India from considering its military affairs as a whole, and renders almost impossible the possession of that detailed information which makes economy practicable.'[1]

The Viceroy felt that, however great the value to be attached to the opinions of military advisers like Lord Sandhurst and Sir Henry Durand, proposals of such magnitude might imperil the minor reforms and retrenchments which he felt within his grasp. The abolition of the costly three-fold organization of

[1] Minutes by the Commander-in-Chief, dated 11th September and 3d August 1869. Lord Sandhurst's five *corps d'armée* were:—(1) Madras; (2) Bombay, including the Central Provinces south of Nerbudda; (3) Panjáb and Sindh; (4) Oudh, the North-Western Provinces, Malwa, Rajputana, and the Central Provinces north of the Nerbudda; (5) Lower Provinces of Bengal and Burmah. 'The Ordnance Department should be one for all India.' The Commissariat, the Military Public Works, Medical, and other departments, should each be under one head for all India, instead of three.

the Indian army would injure the prospects of a large and an influential body of officers in India and at home, and raise a tempest of opposition, in which all hope of reform or retrenchment of any sort would be wrecked. These schemes were not therefore permitted to find entrance into the Despatches, in which Lord Mayo conveyed to the Secretary of State the deliberate decision of his Government with reference to the Native army.

That decision may be stated thus :—

As regards native artillery, Lord Mayo's Government followed out the accepted policy of dispensing with native gunners, and his proposals were readily sanctioned by the Secretary of State. He abolished two Bengal batteries (namely the Eurasian Battery in Assam, and one light field battery of the Panjáb Frontier Force); the Native Company of Artillery in Madras; and one native company of artillery in Bombay. Total reductions of Native artillery, four batteries or companies; annual saving, £17,003.[1]

Regarding the cavalry and infantry in the Bengal Native army, the Viceroy came to the conclusion (as demonstrated by his military advisers) that not a man could be spared. But with their consent he found that a considerable saving could be effected by reducing the number of separate regiments, and increasing the strength of the remainder to a more efficient standard. He proposed, therefore, a reduc-

[1] Sanction conveyed in Despatch from Secretary of State to Governor-General, No. 23, dated 27th January 1870, para. 10.

tion of one regiment of Bengal Native cavalry, and one of Bengal Native infantry, raising the rank and file in the other regiments so as to maintain the same total of rank and file in the Bengal Native army. Annual saving, £27,200 a year.

As regards the Madras Native army, he acted on the decision of the Governor (Lord Napier of Ettrick), confirmed by the opinions of the Commander-in-Chief in India (Lord Sandhurst), and of Major-General Sir Henry Durand. 'In the Madras Presidency,' its Governor had written, 'it is my opinion that the cost of the army far transcends the wants of the country.'[1] Indeed, Madras had for years sent her redundant troops, amounting to one regiment of Native cavalry and five of infantry, to do duty at Bengal Stations. This proved to be a most extravagant arrangement. Thus a regiment of Madras cavalry, with a strength of only 300 privates, cost £22,937 a year, while a regiment of Bengal cavalry cost only £21,963 for a strength of 384 privates.[2] The waste was intensified by the 'family system' of the Madras sepoys, who are accompanied by their wives and children—a system which may be suitable for a stationary local army, but which produces many evils if such corps are moved to other Presidencies. For example, the Commander-in-Chief had lately had to represent the difficulty which would arise with a Madras cavalry regiment, if the Bengal plan were

[1] Minute by the Right Hon. Lord Napier (of Ettrick), Governor of Madras, 15th Feb. 1868.

[2] Governor-General to Secretary of State, No. 349, dated 4th Oct. 1869, para. 51.

enforced of sending it out into camp, in event of an epidemic of cholera. The Madras corps in question had only a strength of 202 fighting men at head-quarters, and were attended by no fewer than 1296 women, children, and followers.

Lord Mayo proposed, therefore, that henceforth the Madras regiments should be kept to their own Presidency. This would enable him to reduce five regiments of Madras infantry, and one of Madras cavalry, then serving at Bengal stations (or a number equal to them). He also found he could safely dispense with three other regiments of Madras infantry. Another separate regiment of Madras cavalry would be saved by incorporating three into two. Total reduction of the Madras army—cavalry, 2 regiments (1 dispensed with, and 1 reduced by incorporating 3 into 2); infantry, 8 regiments reduced out of 40. Annual saving, £178,745.[1]

The Bombay army proved to be more accurately adjusted to the actual demands upon it. But it was found that a small saving of £9900 a year might be safely effected by reorganizing the Sindh horse into 2 regiments of 4 squadrons each, in place of 3 regiments with 3 squadrons each. As regards infantry, even when there were two Bombay regiments in China, the propriety of reducing two regiments had been raised. The Governor-General in Council, having regard to the return of the regiments from China, the strong police, the tranquil state of the Presidency, its limited extent and population, and the

[1] Cavalry, £42,000; infantry, £136,745. Total, £178,745.

absence of any frontier requiring protection, except in Sindh, now decided that four regiments of Bombay infantry might safely be spared, representing a saving of £67,719 a year. Total annual retrenchment from Bombay army, £77,619.

The burden of working these reforms fell on the Bengal army. It lost two batteries of artillery, 1 regiment of cavalry, and 4 of infantry (the total rank and file of its cavalry and infantry being neither increased nor diminished); and it had the additional labour thrust on it of the six Madras regiments which were to be withdrawn from Bengal stations. But this was inevitable. 'Influences of whatever kind,' wrote the Commander-in-Chief in summing up this part of the military policy of Lord Mayo's Government, 'all notions as affecting this or that Presidency, in short, all matters which could imply even the shadow of bias, were resolutely put on one side, and the interests of the country were alone considered.

'I am able to say that this was the spirit in which all the questions involved were argued in our long and arduous discussions.

'We had to weigh the necessities of those parts of India where war is an impossibility, and at the same time to consider those wide frontiers where war is always impending over us—in fact, where in one form or another it can hardly be said ever to cease.'

The general scheme of the military retrenchment and reorganizations proposed by Lord Mayo's Government divides itself into four branches, and would have

effected an eventual saving of close on one million sterling. Thus :—

1. Staff Appointments, ...		£46,065
2. Army Departments and reduction of Governor-General's Body-Guard, .		32,940
3. European Troops—		
Artillery—6 horse and 8 field batteries, . .	£271,542	
Cavalry—4 regiments, .	175,000	
Infantry—7 regiments, .	122,220	
		568,762
4. Native Army[1]—		
Artillery—4 batteries or companies, . .	£17,003	
Cavalry—4 regiments, .	59,009	
Infantry—16 regiments,	224,474	
		300,486
Total Saving, . . .		£948,253

In submitting the above scheme to Her Majesty's Government, the Earl of Mayo believed that it would tend towards the practical efficiency of the Indian army. In this belief he had the firm support of the Commander-in-Chief (Lord Sandhurst) and the Military Member of Council (Sir Henry Durand). While strenuous for economy in the military administration, he grudged no expenditure required to place or to

[1] These figures are taken from the Comptroller-General's detailed statements. The total reduction, as shown in the Despatch of the 4th October 1869, according to local distribution into Presidencies, is £300,567.

maintain the army on a basis of thorough practical efficiency. I am here stating his own view and that of the eminent military advisers on whose counsel he acted. 'I have this year,' wrote Lord Mayo to a friend in 1870, 'without any suggestion from any quarter, pressed upon Her Majesty's Government the necessity that exists for immediately arming every European soldier and volunteer in India with a Snider rifle. I have, ever since the beginning of 1869' (when he assumed the Viceroyalty), 'pointed out the defective state of our artillery force, and recommended the immediate adoption of rifled guns. I never, therefore, let economic considerations interfere in cases of necessity. I have suggested nothing which, in my opinion, is calculated to diminish our military strength. But I do desire to reduce military expenditure by a very large amount. I firmly believe that there are forces in India which we should be better without, and that it is better to keep only those regiments in arms which would be useful in war.'

The results of the proposed reforms may be briefly stated thus. The Secretary of State sanctioned in full the first two sets of retrenchments, namely, in the Indian Staff and the Army Departments. But he did not see his way to adopt in their entirety either of the other two series of measures, namely, those which affected the British regiments serving in India, or the reductions of the Native army. As regards the former, Her Majesty's Government reduced the British cavalry by two instead of four regiments, and the British infantry by two instead of seven regi-

ments; *but without the corresponding increase in the rank and file of the remaining regiments*, on which the Indian Government had so strongly insisted. As regards the native forces, the artillery reductions were sanctioned; but the Secretary of State thought that the cavalry and infantry reductions bore too heavily on the Madras army. He proposed an alternative plan which would have broken up two regiments of Bengal cavalry, and one in each of the other Presidencies; with six regiments of native infantry, two in each Presidency. The Indian Government did not think that the military requirements of Northern India, with its great frontier towards Central Asia, permitted of this arrangement being carried out; and suggested as a compromise the reduction of 3 regiments of Native cavalry (one in each Presidency), and 8 regiments of Native infantry (2 in Bengal, 4 in Madras, and 2 in Bombay). After a careful reconsideration, and having received the views of Lord Napier of Magdala (who did not on this point coincide with the preceding Commander-in-Chief, Lord Sandhurst), Her Majesty's Government failed to see their way to accepting the compromise, and suggested a third scheme, which would have reduced the rank and file of the Native army to the extent of 9,000 men equally in the three Presidencies. The Government of India believed that such a reduction would be unsafe from a military point of view, and returned to the proposals which it had previously submitted. Thus the question remained at the time of Lord Mayo's death.

In his military measures, as in every other department of his Government, the Earl of Mayo lived long enough to carry out a large part of his proposals, but not the whole. His original plan would have eventually reduced the military expenditure by £948,253 a year. The portions of it adopted by Her Majesty's Government, and practically carried out, yielded an annual saving of £591,440.

I have condensed the foregoing paragraphs from Despatches between the Governor-General in Council and the Secretary of State, spreading over a period of two years. Into the arguments brought forward on either side I do not propose to enter. My business is that of a biographer, not of an historian; and an elaborate and earnest controversy between the Home Authorities and the Indian Government lies beyond the scope of this work. It is with Lord Mayo's personal share in it that his biographer has to do. The central idea which guided his views throughout, was the very simple one of not paying two men to do one man's work. He applied this idea to the Staff and Army Departments, by cutting down every appointment which the increased facilities of communication by railway had rendered no longer necessary. He thought, for example, if three inspecting officers sufficed for a certain area at a period when they could only travel eighty miles a day, two, or even one, inspecting officer would do very well for the same area now that they can travel three hundred miles in 12 hours, and six hundred in a day and night. As regards the Native army, he applied

the same idea, by plans for getting rid of such portions of it as, in the opinion of his responsible military advisers, were not required for the actual work to be done. As regards the European troops, he desired to have a perfectly-equipped, hard-working force, with each regiment fully manned—a force in which the officers would have more to do than at present, but which, in the opinion of his military advisers, would have been equally serviceable to India, and which would certainly have cost her less money.

In short, he wanted to get, all round, an equal amount of efficiency for a smaller amount of money. Every one who has made a similar effort in his own affairs, knows that considerable obstacles arise in the way of its accomplishment. In the civil administration there can now be no question that the Earl of Mayo succeeded in this hard task. But apart from the strong influence which vested rights, local interests, and service traditions exercise on military questions, there is always this great practical difficulty, that men of equal experience, and whose opinions carry equal weight, take widely different views as to the military requirements of a country. The test of present efficiency cannot be applied as in the case of civil departments; for the measure of sufficiency is not the actual requirements during peace, but the possible strain of some future war. The hazards of the contingent and the unknown mar the calculation; and men may differ widely, yet honestly, in arrangements based on a state of things which has

not yet arisen, and which they have to imagine for themselves in their own minds.

The Indian authorities felt jealous of local influence or personal interests in England being allowed to interfere with plans which their duty to India compelled them to urge. But the names of the Duke of Argyll, then Secretary of State for India, and of Mr. Gladstone, the head of the Ministry, will satisfy most Englishmen that such influences or interests were little likely to exercise undue weight. Lord Mayo keenly realized, however, as many Governor-Generals have done before him, the difference between the problem of government in India and in England. An English Minister comes to the discussion of economic difficulties with his experience acquired in a country which has over 75 millions sterling of imperial,[1] and 38½ millions of local, revenues, wherewith to govern 32 millions of people who are quite willing to be governed. The Indian statesman comes to the same questions with his ideas of right and wrong framed to suit a country with 46 millions sterling of imperial taxation, and 3¼ millions of local revenues, wherewith to govern a population of 200 millions, who are not quite willing to be governed. Arrangements which an English Minister might deem dictated by a wise and dignified liberality, may seem to an Indian statesman unjustifiably extravagant. The hard facts hourly pressed upon a Governor-General's notice never allow him, during a single day of his Viceroyalty, to forget

[1] Actual receipts for 1874, £77,335,657; *Statesman's Year-Book*, 1875.

that he is the ruler of a very poor country. He is the paid trustee of a very poor people. Every couple of rupees misspent under the shadow of his authority, exceeds the total revenue derived from one of his subjects during an entire year.[1] Every sovereign which he disburses represents the whole earnings of a husbandman and his family toiling bare-backed in the sun, or under the pelting tropical rains, during five weeks. It would not be in accordance with the facts to say that such considerations enter into the daily thoughts of English statesmen. They belong to a rich country, of a country proud of its wealth, and disdainful of niggardly dealings, whether private or public.

The long battle with deficit forced this comparison with an almost painful pressure upon the Earl of Mayo's mind. But he believed that in his military policy he repressed the promptings to which the poverty of his people gave rise, and never allowed himself to make a single suggestion which would impair the defences of the British power in India. All his official minutes and letters, public and private, breathe this conviction. With regard to the measures which during his lifetime bore the smallest amount of fruit, namely, the retrenchments in the Native army, he recorded the following words:—'. . . I do not think it necessary to discuss further the absolute necessity that exists for a very large reduction of military expenditure in India. I will, however,

[1] This is even if we consider the land-tax as revenue and not as rent. For the exact calculation, see *ante*, p. 6.

repeat one fact which ought never to be lost sight of, and it is this: the available revenue of the Indian Empire for 1869-70, irrespective of imperative charges, such as interest, pensions, etc., is stated by the Financial Secretary to be £29,505,515. Our net army charges in England and in India amounted last year (1869-70) to £15,248,016, being nearly 52 per cent. of our net available revenue. If large reductions in the Native army are imposed upon us as necessary and desirable, we are bound to consider which branch of the service can be weakened with the least possible risk. . . . The task of suggesting reductions in army expenditure is hateful, invidious, and difficult. The task of resisting them is easy. When last year we embarked on an extensive course of financial reform, I fully anticipated the formidable opposition we should encounter. Nothing, therefore, but an imperative sense of duty would have induced us to enter upon that course.'

But 'though the financial necessities of the hour have brought more prominently to our notice the enormous cost of our army, as compared with the available revenue of the country, I cannot regard the fiscal difficulty as the main reason for the course we have taken. I consider that if our condition was financially most prosperous, we should not be justified in spending one shilling more upon our army than can be shown to be absolutely and imperatively necessary. There are considerations of a far higher nature involved in this matter than the

annual exigencies of finance, or the interests of those who are employed in the military service of the Crown.

'Every shilling that is taken for unnecessary military expenditure is so much withdrawn from those vast sums which it is our duty to spend for the moral and material improvement of the people. I admit to the full that a complete and an efficient military organization is the base and foundation of our power here. We are bound to see that every officer and man is fit for immediate service, and that every arm and every military requisite is maintained in a state of the utmost efficiency. I believe that in the proposals which have been made, these principles have been strictly adhered to.'[1]

The original Minute from which I extract the foregoing sentences covers five folio pages of small type. But it would not be fair for me to reproduce the Viceroy's arguments for his specific proposals without also detailing the considerations which weighed with the Home Authorities in declining them. To attempt this would involve a rehearsal of the whole controversy, while my object is merely to exhibit the spirit in which the Earl of Mayo dealt with the question. A single sentence of the last Despatch which he lived to issue on the subject of army reform will fitly conclude this branch of my narrative. 'We cannot think that it is right to compel the people of this country to contribute one farthing more to military expenditure

[1] Minute by the Viceroy, 3d October 1870.

than the safety and defence of the country absolutely demand.'[1]

The current administration of the army is conducted by the Commander-in-Chief, and to Lord Sandhurst and Lord Napier of Magdala belongs the credit of improvements in detail effected during Lord Mayo's rule. But to these improvements the Viceroy gave a liberal and strenuous support. 'Lord Mayo,' says one well qualified to speak on this point, 'hated waste, but knew that waste follows excessive saving no less than excessive expenditure. His object was to reduce what was superfluous in the army, but not to starve what was essential.' He advocated the economizing of the health and vigour of the European troops by a system of sanataria and hill-stations, and one of his latest orders in the Military Department was to this end. 'To him also it is mainly due,' says the high authority above cited, 'that the troops in the hill-stations occupy quarters, or cottage barracks, which, while fulfilling every desideratum of health, comfort, and discipline, enable a whole regiment to be housed for a smaller sum than, under the old system of imposing but less comfortable structures, it would have cost to house three companies.' Wherever he went, one of the first things he wished to see was the hospital; and sanitary requirements were always sure of his liberal support. To the difficult problem of making fit provision for the children and orphans of the British soldier in India, he devoted

[1] The Governor-General in Council to the Secretary of State for India, No. 169, dated 23d June 1871, para. 31.

much earnest thought; and, among other measures, appointed a committee with a view to the more efficient working of the noble bequest of Sir Henry Lawrence. A thick file of papers before me bears witness to his personal interest in the Lawrence Asylums. Regimental workshops, exhibitions, and every device for keeping alive the mental vitality of the British soldier under the strain of the Indian climate, found in him a constant friend. As regards improvements in efficiency, it may here be briefly stated that during his rule the Indian army was equipped with better weapons, the artillery was furnished with the most approved rifled guns, and the cold weather camps of exercise, which now form so important a feature in the Indian military training, were inaugurated under his own eye. For these and for every other measure with a view to perfecting the Indian defences, the Earl of Mayo, however severe might be the strain of his financial necessities, found the requisite funds. He desired to avoid waste, but he was resolved above all things to secure efficiency; and he enjoyed a personal popularity with the army, both Native and European, such as few Governor-Generals of India have ever won.

CHAPTER VIII.[1]

LEGISLATION UNDER LORD MAYO.

BY J. FITZJAMES STEPHEN, Q.C.

MY DEAR HUNTER,—Your request that I should write an account of the Course of Legislation in India under Lord Mayo's Government, is one which I cannot refuse, though I have some difficulty in doing so, because I feel it exposes me to the imputation of writing about myself. There can be no doubt, however, that much activity prevailed in the legislative department during his tenure of office; and I am as anxious as any one can be that the fullest justice should be done to his memory. I have determined to write this letter, and to authorize you to make whatever use of it you may think fit.

Legislation in England and in India are such totally dissimilar processes, that it will be well to begin by explaining, for the benefit of English

[1] The following Chapter is retained in its original shape. It was written as a letter, and could not be changed to the narrative form, without recasting many passages and sacrificing something of its vigour. Mr. Fitzjames Stephen has conferred the additional favour of himself revising the proofs. My share in it has been confined to adding one or two explanatory footnotes.—W. W. H.

readers, the process by which legislation is conducted in India.

The Imperial Parliament legislates but seldom, and with great caution, for British India. Legislative Councils for Bengal, Madras, and Bombay legislate for those Provinces respectively; but the principal legislative authority for India is the Governor-General in Council. This authority has been reposed in the Governor-General ever since the Charter Act of 1834, before which time his legislative functions were limited to making regulations for Bengal similar to those which were made for Madras and Bombay by the Governors in Council of those Presidencies. Several changes of great importance have since then been introduced into the constitution of the Council of the Governor-General considered as a Legislative body, and in order to understand them it is necessary to be acquainted with its constitution as an Executive body.

The Council of the Governor-General was first constituted in 1773 by the Regulating Act,[1] which provided for the establishment of a Governor-General and four Councillors. There is some obscurity as to the origin of their power of making Regulations. To some extent it was probably assumed as incidental to their position. To some extent it was confirmed or recognised as existing by Act of Parliament.[2] But whatever its origin may have been, there can be no doubt at all that the

[1] 13 Geo. III. cap. 63, secs. 7 and 8.

[2] 21 Geo. III. cap. 83, sec. 23, and 37 Geo. III. cap. 142, sec. 8.

Governor-General and his Council exercised the power of legislation on matters of the highest moment. If the importance of a law is measured by the number of persons whose whole way of life it affects, Regulation I. of 1793, which embodies the Permanent Settlement, must be regarded as one of the most important laws known to history.

Though the powers of the Governor-General in Council were increased in 1793,[1] the Constitution of the Council itself remained unaltered till 1834, when it was provided that one of the four ordinary Members of the Council should be appointed 'from amongst persons who shall not be servants of the Company.' The Member so appointed was to be present only at meetings for the purpose of making laws and regulations. This was the origin of the office which was first held by Lord Macaulay, and which I held during the greater part of Lord Mayo's term of office. Power was also given[2] to the Directors to appoint the Commander-in-Chief to be an extraordinary member. The Council so constituted was empowered to legislate for the whole of India, and upon all subjects, with certain exceptions. In 1854, the fourth ordinary Member of Council was empowered to be present at all the business transacted by the Council; and a considerable number of members, who were to be called the 'Legislative Councillors,' were added to the Council. The Chief-Justice, and another judge of the Supreme Court

[1] 33 Geo. III. cap. 52, sec. 47.

[2] 3 & 4 Will. IV. cap. 85, sec. 40.

were to be two of them, and the rest were to be nominated by the Governors of Madras, Bombay, Bengal, and the North-West Provinces.[1] Under this Act, the meetings of the Council for legislative purposes were for the first time held in public, and the proceedings were conducted according to the forms of the House of Commons.

This arrangement lasted till 1861, when the present system was introduced by the Indian Councils Act.[2] By that Act separate Legislative Councils were constituted for Bengal, Madras, and Bombay; and it was provided that the Governor-General should nominate, in addition to the Ordinary and Extraordinary Members of the Council, from six to twelve Additional Members, who were to be Members for the purpose of making Laws and Regulations only. One-half of the Additional Members were to be non-officials. The Governor-General was empowered to make rules for the transaction of business; and in the exercise of that power, rules of a very much simpler character than those of the House of Commons have been made. The Ordinary Members of Council were increased to five. A sixth Ordinary Member of Council to preside over the Public Works Department, was added in 1874.[3] The Legislative Council is now constituted as follows :—

1. The Viceroy.
2. The Commander-in-Chief, who, if appointed a

[1] 16 & 17 Vict. cap. 95, sec. 22, etc.
[2] 24 & 25 Vict. cap. 67. [3] 37 & 38 Vict. cap. 91.

Member of the Council, is an extraordinary member.

3. Six Ordinary Members of Council, of whom three must be members either of the Civil or of the Military service in India, and one must be a barrister of five years' standing. No special qualification is required for the Financial or the Public Works Member.
4. The Governor, Lieutenant-Governor, or Chief Commissioner of the Province in which the Council sits for the time being.
5. Not less than six, nor more than twelve, additional Members, of whom one-half must be non-official.

The full complement of the Council is thus twenty. Of these, the Viceroy, the Commander-in-Chief, and the six Ordinary Members of Council, conduct the whole Executive Government of the country. This business is distributed between seven Departments;[1] the Viceroy and the Ordinary Members of the Council having each charge of one of these Departments. This, however, is a mere arrangement for convenience. Legally, any Member might take charge of any Department,—indeed, the whole Departmental system is purely Executive, and might be, as it often

[1] Enumerated at p. 191 of Vol. I., with a view to showing the distribution of business under the Earl of Mayo. Their usual order is as follows:—(1.) Home Department; (2.) Department of Agriculture, Revenue, and Commerce; (3.) Foreign Department; (4.) Military Department; (5.) Financial Department; (6.) Public Works Department; (7.) Legislative Department.—W. W. H.

has been, readjusted, by an Executive order, to suit the state of things for the time being.

For legislative purposes, all the Members (whether they belong to the Executive Council or not) stand legally upon the same footing. Any one of them may introduce any measure, and take charge of its passage through the Council, according to the rules.

There is, however, as wide a distinction between Indian and English legislation, as there is between other branches of the Government of India and that of the United Kingdom. In the first place, India possesses, and the United Kingdom does not possess, a Legislative Department as well as a Legislature; that is to say, it possesses an office the function of which is the superintendence of all matters connected with the enactment and reform of the laws, and which is under the charge of a member of the Legislature.

In the second place, the small size of the Indian Legislature, the fact that it consists of only one body, and the fact that its duties are purely legislative, and that it has nothing to do with Executive Government, expedite its proceedings to an extent which it is difficult for any one accustomed only to England even to imagine.

In the third place, the comparative fixity of tenure of the higher Indian officials, who usually hold their posts for a term of five years, and the practice which prevails of carrying on the legislative business continuously, and not in separate sessions, at the end of which every Bill not passed is lost, all give a degree of vigour and system to Indian Legislation unlike

anything known in England, and which I hope and believe compensate to a considerable extent for its unavoidable defects and shortcomings.

So much for the Legislative Council. I will now shortly describe the Legislative Department.

Till within the last few years, the Legislative Department was not, properly speaking, a department of the Government of India at all. It was a subdivision of the Home Department, one of the Assistant Secretaries of which was charged with the duty of preparing the drafts of any Bills which might be required if legislation was decided upon. It appeared, however, to Lord Lawrence's Government that so important a duty ought to be discharged by a distinct department, and a separate Legislative Department was accordingly constituted. It was provided that proposals for legislation were not to be initiated by the Legislative Department, but that it was to be set in motion by other departments of the Government as its services might be required. This principle was scrupulously observed, both by Sir Henry Maine and myself; and of the numerous Acts which were passed whilst we held office, those only excepted which repealed, consolidated, and re-enacted existing laws, I do not think that one originated in the Legislative Department. It is important to mention this, as it shows the injustice of the charge of over-legislation which was frequently urged both against Lord Lawrence's and against Lord Mayo's Government. During my tenure of office, there was no legislation whatever which increased the bulk of

the law, or which varied it in any important degree, unless specific experience had shown the necessity for it in the Executive Administration.

The Legislative Department then consisted of a single European officer, with the title of 'Secretary to the Council of the Viceroy for the purpose of making Laws and Regulations.'[1] He and the Member of Council in charge of the department drew nearly all the Bills which were required, though in a very few cases Bills were drawn by members who introduced or had charge of them. When the Bill had been drawn and introduced into the Council, it was circulated for opinion, in the case of general Bills, to every Local Government in India; in the case of Bills restricted in their operation to particular parts of the country, to the Local Governments interested.[2] The Local Governments sent copies of the Bill to the District Officers, or others in whom they reposed confidence, or whom they supposed to be specially interested in the working of the Bill when passed. In many instances, the District Officers were directed to obtain the opinions of private persons, natives, or others who would be directly affected by the measure.

[1] This officer has now developed into a Secretary to the Government of India in the Legislative Department, and is assisted by a Deputy-Secretary (a covenanted civil servant of special legal attainments).—W. W. H.

[2] The following are now (1875) the Local Governments of India:—(1) Bengal, (2) Madras, (3) Bombay, (4) the North-West Provinces, (5) the Panjáb, (6) Oudh, (7) the Central Provinces, (8) Burmah, (9) Mysore and Coorg, (10) Assam, constituted as a separate Administration in 1874. In certain cases, Bills are also forwarded through the Foreign Department for opinion to the political agents and residents at Native Courts.—W. W. H.

Besides this, the Bills were published *in extenso* in the *Gazette*, sometimes many months before they were passed, and were thus submitted to the fullest possible criticism and discussion.

As soon as the replies of the Local Governments and their agents were received, a Special Committee sat upon the Bill, and considered with careful attention, not only every clause in it, but every opinion expressed upon every clause, either by the Local Governments or by their agents. In important measures, this process was very long and elaborate. In the case of the Code of Criminal Procedure, which was re-enacted in 1872 (as Act X., 1872), the materials before the Committee formed a folio volume, which must have contained 400 or 500 closely printed pages of minute criticism on every section of the Bill, by officers connected with the administration of justice in every part of the country, as well as by the Local Governments.

When the Special Committee had agreed upon their Report, and had made such amendments as appeared to them to be required, the Bill was again brought before the Council after having been, in some cases, re-printed and re-published in order to give a further opportunity to the public of expressing their opinion upon it. Before the Council the motion was, that 'the Bill, as amended by the Select Committee, be taken into consideration.' This gave further opportunity for the discussion of the principle of the Bill. If the motion was carried, any further amendments which might be required were proposed and

disposed of, and, finally, the motion was put, 'that the Bill do now pass.' After this, the Viceroy's consent was necessary, and when that was obtained the Bill became law, though it might afterwards be disallowed by the Secretary of State in Council.

Such was and is the process of Indian Legislation. It was the object, both in Lord Mayo's time and in the time of Lord Lawrence, of much hostile criticism. The great complaint made against it was that there was too much of it, that the Legislative Department was over-active, that too little attention was paid to native views and feelings, and that the Legislation was coloured throughout by a desire to introduce English law into India, and to regulate everything from the English lawyers' point of view. Again and again I have heard it said that the greatest Legislative Reform required in India was the abolition of the Legislative Department.

I am convinced that these criticisms were altogether unjust. They were founded to a very great extent upon mere ignorance; for although every European in India who holds any official situation is of necessity more or less acquainted with certain parts of the law, few had at that time any general knowledge of it, or had given the subject any systematic study. The result was, that when they had once obtained a rule of thumb acquaintance with any Act or set of Regulations, however intricate or ill-expressed, they were apt to resent any alteration which gave them the trouble of recognising their old knowledge in a new and improved shape. When I come to examine

the particulars of Lord Mayo's Legislation, I shall show in detail the importance of this observation.

Apart, however, from this, there are some general objections to legislation which have very great influence on the minds of Indian civilians, though they are seldom put forward in exact words. They are intimately connected together, and are as follows.

In the first place, many persons object not so much to any particular laws, as to the government of the country by law at all. They have an opinion which I have in some instances heard very distinctly expressed by persons of high authority, that the state of things throughout India is such that law ought in all cases to be overridden by what is called equity, in the loose popular sense of the word. That the Courts of Justice ought to decide not merely whether a given contract has been made and broken, but whether it ought to have been made, and whether its breach was not morally justifiable. In short, that there ought to be no law at all in the country as far as natives are concerned, but that in every instance the District Officers ought to decide according to their own notions, subject only to correction by their superiors.

In the second place, it is a favourite doctrine with persons who hold this opinion, that the Government of India possesses the absolute power of the old native States, subject only to such limitations as it has chosen to impose upon itself by express law. That every new law is thus a new limitation on the general powers of Government, and tends to

diminish them, and that there ought to be as few laws as possible, in order that the vigour of the executive power may be maintained at a maximum.

In the third place, the existence and influence of these views is explained by the relation between the old Supreme Courts and the Government. The Supreme Courts at Calcutta, Madras, and Bombay, were originally established for the purpose of acting as a check upon the powers of the Government, especially over English residents in India. It was considered, and not without reason, that by establishing courts independent of the Local Government, armed with somewhat indefinite powers, and administering a system of law of which they were the only authorized exponents, a considerable check might be placed upon any despotic tendencies on the part of the Government. The effect of this policy was, in the first place, to produce bitter dissensions between the Government and the Supreme Courts, both at Calcutta and at Bombay; and in the next place, to set the Supreme Courts and the English law, of which they were the administrators, before the eyes of every European in India as the representatives of a power not only different from, but opposed in spirit and principle to, the powers of the Government. Nothing struck me more in my intercourse with Indian civilians, than the manner in which the senior members of the service seemed to look instinctively upon lawyers of all kinds as their natural enemies, and upon law as a mysterious power, the special function of which was to prevent, or at all

events to embarrass and retard, anything like vigorous executive action. I was once discussing with a military officer of high rank, and in high civil employ, the provisions of a bill for putting certain criminal tribes in the North-West Provinces under police supervision. When I showed him the powers which it conferred upon executive officers, he said, 'It is quite a new idea to me that the law can be anything but a check to the executive power.' These three feelings, general disbelief in government by law, a claim to absolute power on which law is the only limitation, and a somewhat bitter recollection of the opposition between the Queen's Courts and judges, and the Company's Courts and servants, are, I believe, the true explanation of nearly all the complaints which are made of over-legislation.

I may give a few illustrations, which will throw further light upon this way of thinking. One of the commonest of all complaints against Indian law is that it is stiff and inelastic, that it does not adjust itself to the exigencies of real business, and so forth. I have heard these complaints perhaps a hundred times, and whenever I heard them I asked the same question, 'Which particular law do you refer to, and in what manner would you make it more elastic?' If, as was generally the case, I got no distinct answer to this question, I used to ask whether the objector thought that the Penal Code was too definite, and that it could be improved if its definitions were made less precise; and in particular, whether he would like to have the definitions of

murder or theft, or of any and what other crime, altered, and if so, where and how? These questions were hardly ever answered. I generally found that nearly every one, when closely pressed, gave the same illustrations as to what he understood by the stiffness and want of elasticity of the law. They all referred to those sections of the Code of Criminal Procedure which require the officer presiding at the trial to take down the evidence with his own hand, and their notion of rendering the Code more elastic was that this requirement should be relaxed.

These sections are the chief guarantee that a judge actually does his duty, and does not merely pretend to do it. They are the great security for a fair trial to the person accused. Before they were inserted in the Code, it was a common practice for the judges not to hear the witnesses at all, but to allow four or five native clerks to take down the evidence of as many witnesses in as many different cases at the same time; and then to form his opinion, not from hearing the witnesses, but from reading, or from having read over to him, the depositions taken by the native clerks. In fact, the elasticity which the critics in question really wished for, appeared to me on full examination to be elasticity in the degree of attention which they were to bestow on the most important of their own duties.

A friend of mine, whilst inspecting an important frontier district, received complaints from the officer in charge of it as to the want of elasticity in the existing system; and on asking what he meant, was informed

that he had found it impossible to punish certain persons whom he knew to be guilty of murder. His informants would not come forward as witnesses for fear of the vengeance of the relations of the criminals, and the law did not permit him to move without a regular trial. 'Then,' replied my friend, 'what you want is power to put people to death without any trial at all, and on secret information which is satisfactory to your own mind, and for which the persons who give it are not to be responsible.' This, no doubt, was what the officer in question did want. It had not occurred to him that the impunity of a certain amount of crime was a less evil than the existence of an arbitrary and irresponsible power, which would practically have to strike in the dark.

Perhaps the strongest and most important of all illustrations of the feelings under consideration is to be found in the frequency with which the Government of India is urged to interfere, as the phrase goes, on behalf of the ancient aristocracy of the country against usurers. I do not desire to express any opinion on this policy, but the grounds on which it is advocated afford a curious instance of the grounds on which people in India frequently attack law and legislation. The commonplaces on the subject are of this kind: 'Our refined systems of law are totally unsuited to a simple and primitive people, who, by their rigid application, have in many instances been reduced to the position of cultivators of the land which was once their own: the sly village usurer, who was

well acquainted with all the subtleties of the law courts, having supplanted them in the position of owners.'

I will not enter into the question whether it is or is not desirable, under the circumstances, that people should be made to pay their debts, and that their land should be liable to be sold to satisfy them. That is a question on which a great deal might be said. What I wish to notice is the gross fallacy of condemning law and legislation in general, because the provisions of one particular law which allows land to be sold for debts may be open to question. There is nothing specially refined or technical in the law in question. What is really objected to is its stringent simplicity. A law which mediated between the usurer and the landowner, which tried to secure to the one his just claims, and to the other the enjoyment of what he had been accustomed to regard as his ancestral rights, would have to be far more complicated than a law by which a judgment creditor may sell his debtor's land by auction. In this, as in numberless other instances, the commonplaces about simple and primitive populations and refined systems of law mean merely that particular laws ought to be altered, which is a reason for, not against, legislation. To wish to put an end to legislation because some laws are not wise, is like wishing to put an end to tailors because some clothes do not fit. To argue that, because some English laws are unsuited for some Indian populations, law in general is not the instrument by which India ought to be governed, is to assume that law is not that which a legislator enacts as such, but a mysterious something

which is to be found in England, and which must be introduced bodily into India, if India is to be governed by law at all.

The only rational meaning which can be ascribed to such language as I refer to is one which is not expressed, because it cannot be avowed. It is, that the person who uses it would like the law to stand as it is, but that the District Officers should use their own discretion about putting it in force. This is only a weak form of the doctrine that India ought to be governed, not by law, but by personal discretion. A law which people may enforce or not, as they please, is not a law at all.

Before I attempt to draw an outline of Indian legislation in general, and in particular of that which took place in the time of Lord Mayo, I will state shortly the principles on which it has proceeded. After much consideration of the subject, I believe that those principles have been acted upon with little variation from the days of Lord Cornwallis to the present time, though I have no doubt they have been appreciated more fully, and acted upon on a larger scale, since the suppression of the Mutiny and the transfer of the Government of India to the Crown. At all events, they are the principles which forced themselves on my mind whilst I was in charge of the Legislative Department; and I have reason to believe that my own views do not differ very widely from those of several of the distinguished men whom I had the honour to succeed.

The great questions which, as it appears to me,

connect themselves with the subject of Anglo-Indian legislation are as follows :—

1. Is it necessary to govern by law at all, or is it possible to govern without law, and by mere personal discretion ?

2. To what subjects should the laws to be enacted relate ; and, in particular, how far ought they to interfere with, and how far ought they to be based upon, the customs and manners of the people ?

3. What is the most convenient form for the laws which it is necessary to enact ?

Upon each of these questions I will make some observations.

1. Is it necessary to govern by law at all, or is it possible to govern without law, and by mere personal discretion ?

The theory that government by law is not suitable for India, and that everything ought to be left to the personal discretion of the rulers, that is to say, of the District Officers, is one of those theories which many persons hold, though no one who regards his own reputation will avow it. In England, every one will admit in words that popular education is an admirable thing, whilst many persons couple the admission with qualifications intelligible only upon the supposition (which is undoubtedly true) that in their hearts they believe it to be mischievous. In India, whilst hardly any one will be found to maintain distinctly that the personal discretion of local rulers, free from all law whatever, is the true method of government, numbers of people qualify their consent

to the proposition that the country must be governed by law, by commonplaces like those of which I have given specimens, and which really mean that unfettered personal discretion would be a much better thing. The unavowed influence of this theory acts so powerfully, that it will be by no means superfluous even now to show how baseless and mischievous it is.

In doing this it is necessary to refer shortly to commonplaces, which are often forgotten because they are so familiar. Often as it has been repeated, it is not the less true, that the main distinction between the government which we have established and the government which it superseded is, that the one is in the fullest sense of the word a government by law, and that the other was a government by mere personal discretion. It is also true that the moral and general results of a government by law admit of no comparison at all with those of a despotism. I do not believe that the people of England, as a whole, would take any sort of interest in supporting a mere despotism, differing from those of the native rulers only in the fact that it was administered by Englishmen.

Government by law is the only real security either for life or property, and is therefore the indispensable condition of the growth of wealth. This is no mere phrase. Before the introduction of law, it admitted of considerable discussion whether property in land existed in India at all. It admits of no discussion that the value of landed property depends entirely upon the limitation of the Government demand, and

upon the due adjustment of the relations between the cultivators and the zamindars.

Laws, therefore, of some kind there must be; but if this is admitted, it is impossible to stop short of a complete system of law providing for all the common exigencies both of daily life and of government. To suppose that law and despotic power can subsist side by side, is to show complete ignorance of the very nature of law. The essence of a system by which person and property are secured, lies in the general principles that no man is to suffer harm either in person or in property, except according to law. Despotic power or personal government, which is the same thing, is nothing but a power to compel people in general to obey the orders of the ruler, whatever those orders may be; but this compulsion can be effected only by inflicting, or threatening to inflict, harm either on their persons or their property in case of disobedience, which cannot be if they are not to be so harmed except by law. Thus the notion of a compromise between law and despotism is like a compromise between straight and crooked. The two ideas exclude each other.

In no part of the world is the truth of this theory more emphatically or more frequently illustrated than in India. Ever since the very earliest regulations of Lord Cornwallis, the liability of the Government of India to be sued in its own courts like a private person has not only been established by law, but, as every Indian knows, though English readers may not be aware of it, it has been continually carried

into practical effect. The means by which the poorest peasant in India can obtain against the Government of India a remedy for any wrong he may have sustained from it, are far simpler, more clear, and more effectual than the means by which the richest and most influential man in England can get a remedy against the Government in England. The Government, moreover, as every one in India well knows, is at much the same sort of disadvantage when it is a party to a suit in one of its own courts, as a powerful railway company is in England when it is sued for negligence before a jury. The liability of the Government extends to each of its representatives personally. Less protection against suits for any wrongful proceeding is given to District Officers in India than would be given to magistrates and judges in England. A man might easily be ruined by suits or prosecutions for a single false step.

It is true that in many parts of the country the people are still unaware of their legal rights, and accustomed to submit to the orders of the *sarkár* (Government) and its representatives with much of the obedience which they showed in old times to their native rulers; but this is merely the remnant of a state of things which, as many signs show, has passed, or is rapidly passing away. During my residence in India several cases occurred of actions against District Officers in the Panjáb for official acts, which would in former times have been regarded as irresistible decrees of fate.

These, however significant, were isolated cases.

But one process is going on in every part of India which would be in itself sufficient proof of the absolute necessity of governing India by law, and not by personal discretion, if there were no others. This is the growth of private rights, and particularly of private rights in the land under the protection of our courts and settlement officers. Your work on *Orissa* draws attention to a striking case of this. For many centuries India was actually governed, as many people think in their hearts it ought still to be governed, by the personal discretion of an enormous number of despotic rulers possessed of various degrees of power and importance. In their days, indistinct, ill-understood, and fluctuating customs, liable to be modified in every sort of way by the individual fancy of innumerable rulers, occupied the place of definite law. The result was, that society was, so to speak, worn to the bone. It became an enormous aggregate of villages, each forming a kind of unit, with its own ill-ascertained customs and isolated interests. In some cases, and particularly in Lower Bengal, even the villages were to a considerable extent broken up, and no political organization of any sort survived except the relations between the landholders and the individual husbandmen, which was little more than the relation between the oppressor and the oppressed. In less disorganized districts the country became a mass of village communities, presided over by perhaps the most inorganic, ill-defined aristocracies and monarchies that ever existed.

Owing to a variety of causes, considerable interest

has recently been attached to the village communities of India. The fact that they have existed for so many centuries, and under so many different rulers, has invested them with interest for many people. An institution which has endured so much without being destroyed, must, it is supposed, be very strong. Moreover, the institutions of Indian villages have been described with characteristic clearness, and used with characteristic skill, to explain interesting historical problems by my predecessor, Sir Henry Maine. I think there is some danger lest these inquiries should be perverted so as to support inferences which I know would be entirely repudiated by their author. The historical interest of these institutions and their durability speak for themselves; but the merits of an institution are not to be measured either by its durability or by its historical interest. The fact that the institutions of a village community throw light on the institutions of modern Europe, and the fact that village communities have altered but little for many centuries, prove only that society in India has remained for a great number of centuries in a stagnant condition, unfavourable to the growth of wealth, intelligence, political experience, and the moral and intellectual changes which are implied in these processes. The condition of India for centuries past shows what the village communities are really worth. Nothing that deserves the name of a political institution at all can be ruder or less satisfactory in its results. They are, in fact, a crude form of socialism, paralysing the growth of individual

energy and all its consequences. The continuation of such a state of society is radically inconsistent with the fundamental principles of our rule both in theory and in practice. I have heard from every part of the country—from Calcutta to the Panjáb—that both the joint Hindu families and the village communities are breaking up in all directions. This was regarded by many of my informants as matter of regret, partly from general conservative feeling, partly because it is of course a serious thing in the eyes of a District Officer to watch the decay of any institution which fulfils, however roughly, the elementary purposes of society. I was led, however, by their information to believe that the change is simply one of the natural results of the discharge of our cardinal duty in India, the preservation of the peace. The condition of things which made the village communities possible was the sovereignty of each village, its elders and its customs, and the settlement of disputes by violence. If individual members of the community had in all cases to submit to the village rulers, and if the villages had to guard their property by their own force or fraud, the village formed a self-contained community, regulating its own affairs, and confining the interests and prospects of the members within very narrow bounds. The zamindar and his superiors, whoever they might be, exercised their powers so loosely, and were affected by so many other considerations besides those of law or definite custom, that their authority did not materially alter this state of things. With no definite system of law, nothing

could or did exist beyond a set of customs endlessly varying both in their substance and in the degree in which they were observed; and this, again, led to violence in the shape of blood feuds and boundary disputes settled by the strong hand, and surviving from generation to generation. Loose customs, village communities, and violence in order to settle disputes between man and man or village and village, are as inevitably connected together on the one hand, as are strict law, an organized government, and the rigid administration of justice on the other. The reason why village communities and other forms of joint property break up under our rule, is simply that the law permits no violence, and ultimately no coercive authority, except its own. But in order that this may be done at all, it is absolutely necessary to have laws in the full sense of the word. If Government does not allow a man to assemble his friends, arm them with bludgeons and axes, and march out against a set of neighbouring villagers who have interfered with his pasture or his watercourse, it must determine whether he or his antagonist is in the right; and it must determine this according to rules which must be made distinct for the purpose of getting to a decision: and this is law. In a word, peace and law go together, just as elastic custom and violence go together. But every one admits that, whatever else we do in India, we must keep the peace; and this is strictly equivalent to saying that we must rule by law.

I cannot, however, consent to look at government

by law and not by individual discretion as a necessary evil, though, for the reasons I have given, its necessity appears to me to be quite incontestable. I believe, on the contrary, that it is a benefit which it is impossible to over-value. The benefit is twofold. In the first place, laws wisely made are absolutely indispensable to really vigorous administration. The whole history of our rule in India might be brought forward as a proof of this; but the most striking of all proofs of it is to be found in the government of what used to be called the Non-Regulation Provinces. The popular notion of a Non-Regulation Province used to be, that it was a Province governed without law, and by personal discretion. I shall show hereafter that this was a mistake, and that, in fact, the very first step taken by the most distinguished administrators of the Non-Regulation Provinces was to establish in them far better, simpler, and more scientific systems of law than were then in force in the Regulation Provinces. A Non-Regulation Province was, in fact, a Province governed by sensible laws instead of clumsy ones.

In the second place, the establishment of a system of law which regulates the most important part of the daily life of the people, constitutes in itself a moral conquest more striking, more durable, and far more solid, than the physical conquest which renders it possible. It exercises an influence over the minds of the people in many ways comparable to that of a new religion. The strongest illustra-

tions of this are to be found in the fact that law is the subject which attracts more students at the different universities and colleges established throughout India than any other. Nearly the whole of the education which the best instructed class of natives receive is education in Anglo-Indian law. In order to appreciate the significance of this fact, it is necessary to remember that both Hindus and Muhammadans throughout India have from the earliest times been accustomed to regard law and religion as two sides of one and the same subject. Our law is in fact the sum and substance of what we have to teach them. It is, so to speak, the gospel of the English, and it is a compulsory gospel which admits of no dissent and no disobedience.[1]

For all these reasons, I can feel no hesitation about answering in the affirmative the question, whether it is necessary to govern India by law?

The question whether it is possible to govern without law, by mere personal discretion, must be answered in the negative with equal decision. Practically, the task is impossible. If the ruler has no laws provided for him, he will have to make them for himself, for no one could be so inconsistent as to decide similar cases in different ways. A steals

[1] It should not be forgotten, however, that one cause of the popularity of the law classes in the Indian universities arose from the fact that the law is beyond all comparison the most lucrative profession for a native of India, and indeed, until lately, the only one of our European professions which a Hindu of good caste could adopt. Medicine and Civil Engineering are also becoming recognised careers for the respectable Hindus, and the medical classes are now not less crowded than the Law Lectures.—W. W. H.

B's bullock and sells it to C, who buys it in good faith. If the ruler restores the bullock to B, he cannot allow F, under similar circumstances, to retain another bullock stolen by D from E. If he did so, he would at once be subject not merely to the imputation to bribery, but to a strong temptation to accept bribes. There must be a rule for such cases, and this is law. If the Government does not make the laws, each officer, or each little clique of officers, will make their own, and they will be full of vagueness and confusion. Practically, they will buy a few English law books, and apply them in a very unintelligent servile way to the cases which come before them. Distinct law is as necessary to the good administration of justice, as clear orders and well-defined duties to vigorous executive action.

The second question which I proposed is, 'To what subject should the laws enacted relate, and in particular how far ought they to interfere with, and how far ought they to be founded upon, the manners and customs of the people?'

This is one of the cardinal questions of Indian government, and the answers given to it have divided, and probably always will divide, the rulers of the country into parties distinguished from each other by the extent with which they think it right to interfere with native usages.

It always appeared to me one of the most interesting of the innumerable problems which the Indian Empire must suggest to every attentive observer. It is not the less interesting because, like all such

questions, it is, I think, a question of time, season, and opportunity. To show the importance of this, it will be necessary to sketch shortly the views of which the subject admits.

One view, when fully worked out, is, that we ought to rule India entirely through native agency and on native principles. In order to do this it would be, or rather it would have been, necessary, to find or to establish in every part of India native rulers, spiritual and temporal, who would have been supported in governing the country by all the force of European energy and organization. They would have collected the revenue, administered justice, and generally have governed the country by their own methods. They would thus have acted as mediators between the small number of Europeans and the immense mass of natives. The ultimate result would have been the establishment of a vast native monarchy, or congeries of monarchies, under European direction and control.

It requires but little knowledge of Indian history to know how seductive this policy has appeared to many eminent men, or how often and on how wide a scale it has been acted upon. Whenever a history of the Indian Empire worthy of the subject is written, a large part of it will be occupied with a specification of the numerous attempts which have been made to give practical effect to the theory that India ought to be governed by, or at least through, the natives of India according to Indian ideas. I think that all such attempts have failed,

and for two simple reasons—first, Indian ideas on the subject of government are wrong. They have been proved to be wrong by centuries of all sorts of calamity, leading at last to general anarchy, and to the degradation of a large portion of the human race. Secondly, the effect of their prevalence during a very long space of time has been to produce men and institutions through whom and by which it is impossible to govern. If the English Government were to try to act in India the part of an Oriental despotism, it would be liable to all the standing and intolerable plagues of such an institution. I will mention a few of them in a very summary way.

If we were to try to rule India by Oriental methods and agents, we should either make ourselves responsible for all the oppressions of all our native agents, who would be set free by our protection to a great extent from the only check upon them, the fear of popular vengeance, or we must keep them in order, which can only be done by appeal, superintendence, control—in fact, by law.

The curse of every despotic State is personal intrigue. If the whole of India were governed by native rulers under British supervision falling short of organized law, the British Government would have to pass its whole time in watching and regulating an enormous mass of petty personal intrigues, which might at any moment break out into more or less important revolt and civil war.

In such a state of things a very large native army would be necessary; and if the army came to regard

itself, as it probably would, as the ruling power in the country, the Government would continually live under the threat of mutiny. I have little doubt that this state of feeling did actually exist to a very great extent before 1857. I have, indeed, been led by more considerations than I have at present time to state, to the opinion that the Mutiny of that year ought to be regarded as the break-down and explosion of the policy which so many persons are anxious, for different reasons, to revive under a variety of forms.

Again, the two leading divisions of the native population are the Hindus and the Muhammadans. If, therefore, the English Government is to govern on native principles, it must govern either on Hindu or on Muhammadan principles, and each course is impossible. It is impossible for any one but a Muhammadan to govern Muhammadans, except upon principles which directly conflict with their fundamental articles of belief; and the same is equally true of Hindus, though the truth may not be so obvious. Every Government has indeed its own moral and social standard, which gives colour to its legislation and to its institutions.

For all these reasons, it seems to me that the notion that India can be governed through native agency, and on native principles, is condemned alike by theory and by practical experience. I feel no doubt at all, that the only course upon the subject which it is possible to take is to govern the country upon European principles.

Inasmuch, however, as this doctrine is liable to

be misunderstood, and as the charge of over-legislation so often made against the Government of India proceeds to a great extent upon the supposition that they have in fact misunderstood it, it is necessary to explain somewhat more fully in what sense I understand it, and believe it to have been understood by the Government of India. When I say that India should be governed on European principles, I mean only that it should be governed on those principles which have been shown by the experience of Europe to be essential to the attainment of peace, order, wealth, and progress in the arts and sciences. I advisedly pass over the question as to the persons by whom these principles should be applied. It would lead me too far to enter in this place upon the question of the division of Government employments between Europeans and natives. No one can feel more distinctly than I the madness of the smallest unnecessary interference with the social habits or religious opinions of the country. I would not touch a single one of them except in cases of extreme necessity; but I feel that, in the long run, the mere introduction of peace, law, order, unrestricted competition for wealth, knowledge, and honours, and an education to match, will produce a social revolution throughout every part of India, modifying every part of the daily life of the natives, and changing every article of all their creeds. The due discharge of the one indispensable duty of keeping the peace, the suppression throughout the Empire of violent crime and of intestine war, will as inevitably

cause a social revolution in a society which for centuries has been the theatre of disorder and war, as damming up a river will cause a lake. In the one case as in the other, provision must be made for the new state of things under the penalty of fearful disasters.

The great problem of the English in India at the present day, as I understand it, is to see that the political and social revolution, at the head of which they have been placed by the course of events, runs into proper channels and produces good results. What the ultimate results of the establishment of the British Empire in India may be it is impossible to foretell, and I should regard it as idle presumption to offer any conjectures of my own upon so vast a subject. I may, however, observe in general terms, that it seems to me most unlikely that, as regards either politics, religion, or morals, India will reproduce Europe. I believe that on all these great matters it will by degrees develope doctrines, practices, and institutions of its own, which may, in the course of time, exercise a considerable influence over other parts of the world. Changes of this sort are not dependent on legislation. All that the law can or ought to try to do, is to provide a rational and convenient social framework in which the new state of things may grow up; but what the new state of things will ultimately be like, it passes the wit of man to say. The utmost, I think, that European experience justifies us in asserting, is that the maintenance of peace and order, and the supremacy of regular law,—of a law that is founded

on considerations of temporal expediency, and leaving religious and all other speculative inquiries to find their own level,—is an indispensable condition of the only kind of benefits which it is in our power to confer upon India.

For these reasons I would answer the question, 'To what subjects should the laws to be enacted relate; and, in particular, how far ought they to interfere with, and how far ought they to be based upon, the manners and customs of the people?' as follows: So much legislation is not only justifiable but necessary as is required for the following objects:—The firm establishment of the British power; the recognition, and if necessary, the enforcement of the principles which it represents; and the vigorous administration of the Government. Such legislation ought to be fully carried into effect, however much it may be opposed to native or to European principles or habits. Legislation not required for these purposes I regard as mischievous and dangerous. I think the question, 'how far this principle extends,' can be solved only by actual experience. No law should be made till it is distinctly perceived and felt to be necessary. No one can admit more fully or feel more strongly than I the evils and dangers of mere speculative legislation in India.

My own opinion is, that these general principles have been adhered to scrupulously by the Government of India; and that, if its statute-book is carefully examined, it will be found that nearly if not quite the whole of the redundant matter which it contains

is due to faulty legislative style, so to speak, — to defective expression and arrangement, — and that no Government ever was less justly chargeable with enacting laws merely for the sake of legislation. The proof of this assertion will be found in the development of the further assertion that all Anglo-Indian legislation may be reduced under three or four heads, the necessity for each of which may be shown by the plainest and broadest arguments; but before giving a sketch of them, I must say something on the last of the three questions proposed.

'What is the most convenient form for the laws which it is necessary to enact?' The obvious answer to this is, that the clearest, shortest, and most explicit form in which the laws can be put must also be the most convenient. The proper means of producing this result are the kindred processes of codification and consolidation.

By codification, I understand the reduction for the first time to a definite written form of law, which had previously been unwritten, or written only in an unauthoritative form, such as that of text-books and reported cases. By consolidation, I mean the reduction to a single Act of all the written law upon any given subject. The two processes run into each other, and are not really distinct. Almost all unwritten law is the subject of more or fewer statutory enactments which assume its existence. Almost all written law, on the other hand, assumes and is founded upon more or less unwritten law, and is in its turn the source of a greater or less amount of unwritten exposition.

To reduce the law to a compact, intelligible form must, for the most obvious reasons, be an object of great importance in every part of the world; but there are few parts of the world in which it is so important as it is in India. Law is of far greater relative importance in India than elsewhere. Every official European in the country is more or less concerned in its administration, and the number of officials is so small, their duties are so varied, and the due discharge of those duties is so essentially necessary to the maintenance of peace and order, and of all that depends on them, that the evils of intricacy and uncertainty in the law make themselves felt at once by every District Officer in the country, and act with equal distinctness on every question of policy which comes before the Central Government. In the question, for instance, whether, and to what extent, judicial and executive functions ought to be separated, it was always argued that the simplifications of the law which had taken place of late years enabled Executive Officers to get through more judicial work than formerly. It is, however, almost superfluous to insist upon this matter to any one who knows, on the one hand, the helplessness of an English lawyer who has no law books to refer to, and, on the other, the hopeless impossibility of providing Indian District Officers either with law libraries or with the means of carrying them about, or with the time necessary to consult them, or with the habits of mind necessary to refer to them.

The strongest proof of the importance of this matter is to be found in the administration of the

Panjáb. When that Province was annexed, it was found that it would be practically impossible to administer it at all, if the system of law, at once vague and cumbrous to the last degree, which at that time prevailed in the North-West Provinces, were introduced into it. On the other hand, to govern without law was impossible. Accordingly, one of the first acts of the Board of Administration was to draw up what were in substance Codes. Lord Lawrence and his colleagues enacted for the Panjáb a Penal Code, Codes of civil and criminal procedure, and a Code in scope not very unlike the French Code Civile, many years before any such Code had the force of law in other parts of India. Though in a juridical point of view these Codes were open to a variety of objections, and have since been superseded, they were an immense advance on the system for which they were substituted, and they rendered the Government of the Province and its reduction to order possible.

I believe that no one who knows anything of India will dispute the importance of reducing the law to as clear and explicit a shape as possible; but I think that even in India few persons are aware of the extreme degree in which both the unwritten and the written law were, and to a great extent still are, infected with the vices of vagueness, want of arrangement, redundancy, and prolixity. I shall attempt shortly to illustrate this.

Almost all the unwritten law in India is personal and not local. A considerable amount, though it is difficult to say precisely how much, of the law of

England has been imported into the three Presidency towns—Calcutta, Madras, and Bombay. English law would also be regarded as regulating the relations of Europeans all over the country, though the application of this principle, especially to persons who are not European British subjects, might in particular instances involve questions of great delicacy. Apart from this, Muhammadan, Hindu, and Parsi law, and all sorts of native customs, have also the force of law as between the members of those creeds. Again, cases not provided for otherwise, are to be decided by 'justice, equity, and good conscience.' These laws owe their validity, for the most part, either to the Regulations by which the Civil Courts were originally constituted, or to the Civil Courts Acts, by which the Regulations have in most instances been replaced.[1] The effect of this state of things has been to leave to the Indian Judges very great latitude of decision in matters not dealt with by express written law. I do not think that this freed their decisions from technicality, or established in India any specially rational or practical system of jurisprudence. Nor ought this to be matter of surprise. The Indian Civilian Judges

[1] The following section of the Bengal Civil Courts Act is an illustration: 'Where, in any suit or proceeding, it is necessary for any Court under this Act to decide any question regarding succession, inheritance, marriage, or caste, or any religious usage or institution, the Muhammadan law in cases where the parties are Muhammadans, and the Hindu law in cases where the parties are Hindus, shall form the rule of decision, except so far as such law has by Legislative enactment been altered or abolished. In cases not provided for by the former part of this section, or by any other law for the time being, the Court shall act according to justice, equity, and good conscience.'—Act VI., 1871, sec. 24.

are not and never were lawyers, and the Barrister Judges in the Supreme and afterwards in the High Courts have not usually, for obvious reasons, been men of very much eminence in their profession, though there are no doubt a certain number of brilliant exceptions. The practical result of throwing the reins, so to speak, on the neck of the judges, has been to introduce a vague, uncertain, feeble system, which, as is generally the case with systems administered by unprofessional judges, who nevertheless consider themselves bound to administer law, combines the defects of a weak grasp of principle with a great deal of occasional subservience to technicality. English lawyers who make law the profession of their lives, rise by degrees in favourable cases from precedents and details to principles, and in some instances they appear to grasp the principles with peculiar vigour, because they have made their way to them through such a mass of incomplete and apparently, or perhaps really, conflicting illustrations. The unprofessional judge seldom gets beyond a certain number of illustrations and rules, more or less imperfectly understood.[1]

In former times, as I have been informed, the

[1] To some extent this has been remedied since Mr. Fitzjames Stephen was in India, and partly through the influence which his views have exercised there. The District Judges were then officers withdrawn during an uncertain period from the Executive functions, which formed the staple of their life's work, and who hoped to return to higher Executive posts, such as a Commissionership. The judicial part of the service is now separated from the Executive, and has traditions and habits of its own. A young civilian elects for the one line or the other after a few years' training in the general administration, and is kept steadily to the one or the other during the rest of his service.—W. W. H.

result of this state of things was the establishment of a system in the highest degree vague and feeble. The criminal jurisdiction, in particular, of the Company's Courts, in which a system prevailed composed of Muhammadan law, Regulations, and stray bits of English practice, was, as I heard, peculiarly unsatisfactory.[1] Latterly, however, the system in force has come to resemble that of England. Law Reports have been established, not only at the Presidency towns, but at Allahabad, Lahore, and, I believe, some other places; and the result is, that every part of the unwritten law is now conveyed to students in the shape of innumerable imperfect illustrations, occurring at haphazard, of detached applications of unexpressed principles. An Indian law library is already an exceedingly expensive luxury, which grows at the rate of several volumes a year, and must be kept up, if at all, at the expense of £20 to £30 annually. In short, all the faults of the English system are rapidly reproducing themselves in India.[2]

As for the written law of India, it consists of the following elements:—1. Acts of Parliament relating to India. 2. Regulations of the Governor-General in Council, and of the Governors in Council for Bengal, Madras, and Bombay respectively, passed

[1] This remark applies especially to Bengal. In Bombay, a somewhat rude penal code was in force long before the Indian Penal Code was enacted, and its working gave one more illustration of the fact that almost any definite written law, however crude and imperfect, is infinitely better than none.

[2] I am happy to see that my successor, Mr. Hobhouse, has made an attempt (to which I wish every success) to deal by legislation with the evils of an excessive multiplication of law reports.

between 1793 and 1834. 3. Acts of the Governor-General in Council for the whole or part of India, passed since 1834. 4. Acts of the Legislative Councils of Bengal, Madras, and Bombay, for the lower Provinces of Bengal and the Presidencies of Madras and Bombay respectively, passed since the Indian Councils Act in 1861.

Besides these there are other regulations having the force of law in various parts of the country, of which I need for the present say nothing, though I shall have occasion to allude to some of them.

It would hardly interest the reader if I were to enter minutely into a consideration of these various branches of the written law, but I must make a few observations upon them in order that their relative character and importance may be duly appreciated.

1. The Acts of Parliament relating to India are numerous; but there is, I believe, an intention to consolidate them into a single enactment.

As under the Indian Councils Act the Governor-General in Council has power to repeal all laws in force in India at the time of the passing of the Act (with certain exceptions), large numbers of Acts of Parliament which had practically become obsolete have been so repealed. Those which remain relate principally to the powers of the Government of India at home and in India. If consolidated, they would form a sort of constitutional Code for India.

2. The Regulations which, as I have already observed, are the Acts passed between 1793 and 1834, have been greatly praised for their adaptation to

native usages and their eminently practical character, and I have no doubt that the praise was to a considerable extent well deserved as regards their substance. Their form, however, is such that they are hardly intelligible to any one who does not bring to the study of them a degree and kind of knowledge of Indian institutions, and of the history of Indian administration, which is only to be acquired by actual personal intercourse with the small and rapidly diminishing class of persons who know the circumstances under which the Regulations were enacted, and the state of society of which they assume the existence. Many of the most important of them are prefaced by explanatory preambles, which relate to particular circumstances, and they are so interwoven with local and personal provisions that it is extremely difficult to understand their bearing as general laws. The famous Regulation I. of 1793, the Permanent Settlement, and the scarcely less important Regulation VII. of 1822, which formed, till within the last year or two, the foundation of the settlement law of the North-West Provinces, are of this character. They would no doubt form valuable materials for a historian, but they are enough to drive a lawyer to despair.

This, however, is far from being the only difficulty connected with the Regulations. As the area of the Empire gradually extended, and as its character gradually changed from that of the domain of a company of merchants to that of an Empire governed by a great political body, the character and the rela-

tive importance of the revenue and political branches of the service were continually changing, and new arrangements had to be made, as experience accumulated, for the discharge of their duties.

This was usually done by Regulations which provided that such and such officers should discharge the duties of such other officers; that a Judge of Session, for instance, should have the powers of a Commissioner of Circuit. In order to understand the effect of provisions of this sort, it is necessary to know the whole history of the judicial and fiscal organization of the government at every successive period. This produced a state of things of which the intricacy may be understood by any one who has been accustomed to try to discover precisely the meaning of old laws in relation to a new state of things. No one understood the Regulations; they were practically known either by rule of thumb, or by compendiums and digests, which were published from time to time under the authority of Government, and of which Clark's Regulations were the latest. Complete copies of the Regulations were so rare, that I do not think I ever saw one.

The strongest instance I can give of their intricacy and obscurity is to be found in the fact that it was discovered in 1871 that nearly every criminal trial which had taken place in Bengal and the North-West Provinces since 1829 was irregular, no court during all that time having had proper jurisdiction to try the more serious class of offenders. If this had been discovered in the progress of some case in which

the peace of the country was involved, and in which political feeling ran high, the consequences might have been most serious. The Regulations are now almost entirely swept away by more modern legislation.

3. The Acts of the Governor-General in Council form by far the most important branch of the Indian Statute-Book. They are, in fact, the working statute law of the land. The great object of legislation during Lord Mayo's tenure of office, as well as during the tenure of office of his predecessors for many years past, but especially since the Mutiny, has been to make the statute-book at once as short and as complete as they could, so as to have, if possible, only one Act on each subject, and to pass no Acts which were not really required for the government of the country according to the principles laid down above.

4. The acts of the Legislatures of Bengal, Madras, and Bombay, are for the most part of comparatively little importance, though this is not true of such of them as relate to Land Revenue and Local Taxation. I need not, however, dwell upon them, as their general character differs from that of the Acts of the Governor-General only in the circumstance that they are, generally speaking, of less interest. I may sum up this introductory statement by saying, that the most important part of Indian legislation is that which is contained in the Acts of the Governor-General in Council, that the objects of its authors have been to make it at once short, simple, and complete, and that the leading idea which has pervaded the whole of

their work has been to construct, with as little disturbance or offence as possible to native habits or feelings, laws by which peace and order might be secured, so that every one should be able to acquire knowledge, honours, wealth, and the other advantages of social life in any innocent way which he might prefer. Such a policy is no doubt a revolutionary one in a country which has long been plunged in ignorance and desolated by anarchy and violence; but it is a revolution as beneficent and orderly as it is radical. I now proceed to consider what progress has been made in this great task.

You may recollect that one of the last incidents of Lord Mayo's life in Calcutta was his reception of the King of Siam, who had come to India for the purpose of instructing himself as to our modes of government.

About a month after the news of Lord Mayo's assassination reached Calcutta, the King of Siam returned from his tour with the intention of returning to his own country. He was received at Government House by Sir John Strachey (then acting Governor-General), with the same ceremonial with which he had been received by Lord Mayo; and in reply to the address made to him, he observed, after some remarks on the great calamity which had happened—'And what surprises me most is, that it seems to make no difference in the government whatever.' The remark, in the sense in which it was made, was as true as it was striking. '*Uno avulso non deficit alter*' might be taken as the motto of the Indian Empire, the continuity of which is one

of the great elements of its extraordinary strength. This is as true in regard to legislation as in regard to other subjects, and it would be as difficult for me to give an account of the legislation which took place under Lord Mayo, without reference to what was done under his predecessors, as to separate any other part of his policy from theirs. To me there is something impressive in the feeling that the course of policy of the British Government in India, with all the scope which it gives to varieties of individual character, is so chosen and marked out for it by the course of events, that the line taken by one upright, honourable, and patriotic man will not differ very widely, at all events in principle, from that which will be taken by his successor. I think that any man of the proper stamp placed in such a situation, must feel that for the time being he is in a sense lifted out of himself—that there and then, and for fault of a better, he is the English nation, that he speaks with its voice, and, if need be, strikes with its arm.

With regard to legislation, it will, I think, be found that, notwithstanding the great complexity of the Regulations, and the extent of the Acts (which is considerable, though nothing to be compared to English Acts of Parliament), the number of subjects upon which legislation has taken place is less considerable than it looks. The Acts, or at all events those which are of any practical importance, may be arranged under the following heads:—

1. Acts which embody the fundamental general principles of the British Government.

2. Acts which codify parts of the unwritten law.

3. Acts relating to judicial procedure, civil or criminal.

4. Acts relating to the Revenue, especially the Land Revenue.

5. Miscellaneous Acts.

Of these Acts, those which fall under the 3d and 4th heads are so very much the most numerous, that it would not be very far from the truth to say that the great bulk of Indian legislation relates to judicial procedure, criminal or civil, or to the subject of the land revenue, and these are subjects on which it would be impossible not to legislate. For the reasons already mentioned, and in particular on account of the gradual changes in the circumstances of the Empire, the increase in its extent, and the gradual accumulation of experience as to the best modes of procedure, the process of legislation has been extremely complicated, and the whole system has, so to speak, been re-enacted more than once. The final result, however (at least the result which at present may be called final for the time being), is, as I shall show immediately, singularly short and clear. I will now proceed shortly to sketch the different classes of laws to which I have referred.

I. Acts which embody the fundamental principles of the British Government.

I put these Acts, though they are very few in number, in the first class, both on account of their general interest, and because they constitute the only cases known to me in which the Government of India

has found it necessary distinctly to interfere with native practices or principles. I have already admitted that the amount of indirect interference with the whole structure of native society which is involved in the mere establishment of a regular government, and in keeping the peace, is so great as to amount to a revolution. The degree of direct and positive interference may be measured by reference to the following Acts:—

'*Satí*,' the burning of widows, is forbidden by the Bengal Regulations, and would also fall under the definition of culpable homicide, given in the Penal Code, sec. 299, though by the 5th exception appended to sec. 300, it would not amount to murder.

Act VIII. of 1870 contains stringent regulations for the prevention of the murder of female infants in certain parts of India. This custom prevailed widely in certain tribes and families, which were prohibited by their caste rules from marrying their daughters, except into certain families and at a ruinous expense.

The second part of Act XXVII. of 1871 puts eunuchs in the North-West Provinces, the Panjáb, and Oudh, under stringent regulations, intended to prevent them from possessing themselves, as was their practice, of boys, who were kept for the vilest purposes.

In each of these three cases, the object of the Government was the suppression of what, according to European ideas and standards of morals, were abominable crimes, though the natives regarded *satí*

as a meritorious action, and the discharge of a sacred duty, and looked with something approaching to indifference on infanticide and the practices of the eunuchs. It is, however, my own belief, and I had considerable opportunities of observation, that many, and indeed most, of the natives recognised both of these enormities in what we should regard as their true colours, and that they had been permitted only through supineness and indifference.

Act V. of 1843 abolishes personal slavery throughout the whole of British India, though in somewhat indirect and circuitous terms. The state of society in India was not such as to give this measure anything like the importance which it would have had in a country where slave labour was a matter of great social and economical importance, but it was nevertheless an act of great significance.

Acts XXI. of 1850, XV. of 1856, XXI. of 1866, and III. of 1872, are closely connected together. Act XXI. of 1850 is founded upon and extends sec. 9 of Regulation VII. of 1832, and enacts as follows:—'So much of any law or usage now in force within the territories of the East India Company as inflicts on any person forfeiture of rights or property, or may be held in any way to impair or affect any right of inheritance by reason of his or her being or having been excluded from the communion of any religion, or being deprived of caste, shall cease to be enforced as law in the Courts of the East India Company, and in the Courts established by Royal Charter within the said territories.'

Of the other three Acts, XV. of 1856 authorizes the re-marriage of Hindu widows; XXI. of 1866 enables native converts to Christianity to obtain a divorce from any wife or husband who withdraws from their conjugal society on the ground of their change in religion; Act III. of 1872 provides a form of marriage for all persons who are neither Christians, Jews, Hindus, Muhammadans, Jains, nor Sikhs.

These Acts, taken together, form much the clearest case which can be cited of Legislative interference with native habits and principles, and of the compulsory introduction into India of European ideas. For this reason I refer to them collectively, though one only (III. of 1872), strictly speaking, belongs to the history of Lord Mayo's Administration.

According to the ideas of natives, whether Hindus or Muhammadans, law and religion are so closely connected that they may almost be regarded as two names for one and the same thing, and the division of the population according to their creeds has been the natural result of this state of things. The legal effect of apostasy from either of the established creeds was of the highest importance, involving in some cases the forfeiture of property. This formed the great legal barrier of the native religions, and more especially of Hinduism. So long as India was merely a congeries of contiguous races and sects, with a Government which hardly deserved the name, such a state of things was natural, and probably inevitable. It constituted a social organization which was long regarded as the type of immobility, and which deserved

that reputation, although it also possessed a curious but limited power of assimilating new ideas and practices. As, however, the English power came to be fully established, it was impossible not to face the problem, whether or not the English people meant to give the force of their law and their social organization to a system of intolerant idolatry. The question might be put in another way, thus: Are Christians, Hindus, and Muhammadans to make a treaty together, guaranteeing to each creed full dominion over those who may be called their hereditary members, and visiting with the heaviest penalties every deserter from any one of them? Under native rule, the law was so loose, exceptions and loopholes were so readily found, and so much depended upon a thousand individual questions, that the oppression of such a law was infinitely smaller than it would be if it were administered by English Judges with English impartiality. A native law is like an unfenced track over open country; an English law is like a metalled highway, with a stone wall on each side of it, passing through an enclosed country. The direction of the road is obviously a very much more serious matter than the direction of the track. When absolutely compelled to say definitely, Will you persecute every Hindu who turns Christian? the Government could make only one answer. That answer was given by Act XXI. of 1850, and it was an answer of momentous importance. It practically established freedom of conscience and freedom as to the profession of religion throughout the whole of

India. It was opposed with the utmost vehemence. Petitions against it, signed by no less than 60,000 natives, from Calcutta and the neighbourhood, were presented; but it passed into law, and the three subsequent Acts to which I have referred were logically and inevitably connected with it. They were passed, however, with great precaution, and all excited more or less opposition. Each is an application of the general principle that people are not to be subjected to penalties, and, in particular, to the severest of all penalties, those which affect their competency to marry, either in obedience to any religious dogma or as a punishment for having changed their religion.

There was, however, a considerable difference in the degrees of directness with which the principle was applied. In the case of the re-marriage of Hindu widows, legislation was founded avowedly on a difference of religious belief amongst the Hindus themselves. The preamble to Act XV. of 1856 is characteristic: 'Whereas it is known that by the law, as administered in the Civil Courts, established in the territories in the possession and under the government of the East India Company, Hindu widows, with certain exceptions, are held to be, by reason of their having once been married, incapable of inheriting property; and whereas many Hindus believe that this imputed legal incapacity, although it is in accordance with established customs, is not in accordance with a true interpretation of the precepts of their religion, and desire that the civil law administered by the Courts of Justice shall no longer prevent

those Hindus who may be so minded from adopting a different custom in accordance with the dictates of their own conscience: and whereas it is just to relieve all such Hindus from this legal incapacity of which they complain; and the removal of all legal obstacles to the marriage of Hindu widows will tend to the promotion of good morals and the public welfare, it is enacted as follows'—

No doubt these statements were literally true, but there can also be no doubt that the party amongst the Hindus who approved of the Bill was a small numerical minority, which had come under the influence of European ideas, or that the measure was essentially and substantially a displacement of Hindu in favour of European morality.

The Converts' Re-Marriage Act, XXI. of 1866, was intended to, and did, remove an obstacle to the conversion of natives to Christianity, arising from the circumstance that the effect of their conversion often was that the other party to the marriage practically repudiated it. The Act accordingly made such a repudiation a ground of divorce *a vinculo matrimonii.*

This was, in one point of view, rather a concession to native ideas than an attack upon them. Native law and custom justified wives or husbands in leaving their husbands or wives on account of their change of religion. The Act simply enabled persons so treated to marry again under certain conditions. No doubt, however, it removed an obstacle to changes of religion which native ideas imposed.

Act III. of 1872 completes, at any rate for the present, this series of Acts. It is the only one of the series which properly belongs to the history of Lord Mayo's Administration. His very last public act at Calcutta was to declare in the Legislative Council his firm resolution to cause it to pass into law. It was finally passed during the month in which Lord Napier of Merchistoun filled Lord Mayo's place, after very much the warmest discussion that took place during my tenure of office in the Legislative Council. I had charge of the Act, and was principally responsible for its contents, and I stated my views upon the whole subject at very great length, and with as much care as I could, in two speeches in the Legislative Council, in which the history and principles of the measure are fully explained. It is enough to say here, that the occasion of the Act was a question which arose as to the legal validity of the marriages of the body known as the Bráhma Samája. Mr. Cowie, the Advocate-General, was of opinion that these marriages were void. It was perfectly clear, on the one hand, that the Bráhma Samája were entitled to an indisputably valid form of marriage. It was equally clear, on the other, that it would be very difficult, even if it were desirable, to deal with their case singly; and it appeared very undesirable, in such a country as India, and in such a time as our own, to make marriage denominational. Religious sects are continually springing up in India. To have given each of them a separate form of marriage, would have caused great confusion; but if such a

form had been given to one, it would have been hard to refuse it to others.

Upon these grounds, and on the strength of Mr. Cowie's opinion, Sir Henry Maine prepared a measure providing a form of monogamous marriage for all persons who were disposed to adopt it, and who declared that they had conscientious objections to the marriage ceremonials in ordinary use. The opinions of the Local Governments, and parties interested in the matter, were not received when Sir H. Maine left India; but when received, most of them were unfavourable to it. After several attempts to frame a Bill which should provide in an unobjectionable way for the Bráhmas only, and after a most careful and searching discussion of the whole subject in the Executive and Legislative Councils, the Bill, as it now stands, was adopted. It differs from Sir Henry Maine's Bill chiefly in the circumstance, that before a person can obtain the benefit of it, he must declare that he is neither a Christian, a Jew, a Hindu, a Muhammadan, nor a Parsi, as each of these religious sects has its own special form of marriage.

The result of the whole of this legislation may be shortly described as follows. It provides that change of religion shall involve no penalties, and it does away (in connection with the Indian Succession Act, to which I shall refer immediately) with what may be called the legal status of an outcaste—the position, that is, of a man who is deprived of civil rights because he does not belong to some one of the different

religious organizations within which alone civil rights are to be had.

No doubt the practical recognition of this principle constitutes a serious interference with native ideas; but the principle itself, in the present state of our knowledge, and in reference to the present condition of India,[1] is so obviously right, and is so distinctly the real belief of the governing body in India, that to shrink from enforcing it whenever facts bring it forward, would, in my opinion, be, and be felt to be, an act of mere timidity, and would have no other effect than that of teaching the natives that we did not dare to do what on our own principles we could not deny to be just.

II. The second class of Acts to which I have referred are Codifying Acts, which reduce to an explicit-written shape portions of the unwritten law. These Acts are four in number:—

1. The Indian Penal Code, Act XLV. of 1860.
2. The Indian Succession Act, X. of 1865.
3. The Indian Evidence Act, I. of 1872.
4. The Indian Contract Law, IX. of 1872.

Each of these four Acts reduces to an explicit form, and to a very moderate length, part of the unwritten law to which I have already referred. I would hardly interest the reader if I were to go into any lengthened description of the contents of these Acts, but I may say a few words on each of them.

[1] I mean by these words to guard myself against being supposed to deny the abstract possibility of a state of things in which it might be well to forbid by law the practice of a religion.

The original draft of the Indian Penal Code was the work of Lord Macaulay and his colleagues, Sir J. M'Leod and Mr. Millett. It did not become law till twenty-two years after Lord Macaulay had left India. Sir Barnes Peacock was legal Member of Council when it was passed as Act XLV. of 1860. It may be said to contain substantially the whole Criminal Law of India in 512 sections; and I think that the charge to which it is most justly liable is, that it is rather too elaborate. I do not think it is too much to say, that it has enabled every magistrate in India to become far better acquainted with the Criminal Law which he has to administer, at the expense of a very moderate amount of time and trouble, than most English lawyers after many years of practice. A short but somewhat important addition to it—Act XXVII. of 1870, upon the subject of political offences—was made in Lord Mayo's time.

If any one wishes to see how much the Penal Code has abbreviated and simplified the Criminal Law in force in India, he may be referred to Beaufort's *Digest of the Criminal Law*, as it was down to 1860. It was a very intricate and an extremely feeble and uncertain system, which might be described as a sort of compromise between Muhammadan and English criminal law. I know of no more striking proof of the extreme reluctance of the British Government to interfere in any way with native institutions, than the fact that they continued for more than a century to regard as a native institution a legal system which was, after all, merely a badge of the Muhammadan

conquest, and that after the Penal Code was drawn they took a quarter of a century to consider whether it should be passed into law or not.

The Indian Succession Act (X. of 1865) is a remarkable piece of legislation. It is due both in substance and form to the Indian Law Commission which sat in England. It codifies the law relating to the effect of death and marriage upon succession to property, and the law relating to wills. As it is confined in its operation to persons who are subject to no personal law, that is to say, to persons who are neither Europeans, Muhammadans, Hindus, Parsis, nor natives whose affairs are regulated by any other native custom, its immediate practical importance is certainly small, but it may by degrees become a law of the very highest and most general importance. If any considerable number of natives should ever abandon their old creeds and marry under the Marriage Act of 1872, their property would be distributed on their deaths according to the Succession Act, and their testamentary powers would be regulated by its provisions. These two Acts, indeed, taken together, provide what the French call an *état civile* for all persons who are dissatisfied with the native systems of personal law, and may thus become in time fundamental laws regulating the most important interests of a large part of the population. The Succession Act is in itself no interference with native laws or customs, but its importance depends upon the fact that, for the reasons which I have already given, it is obvious that native customs must be ex-

pected to pass away as European influence extends itself.

The Evidence Act (I. of 1872) compresses into a very short compass the whole of the English and Indian law of evidence. I had charge of this Act, and drew it in its present shape, though in such a manner as to include the provisions of a bill previously drawn by the Indian Law Commissioners. It forms a good illustration of the justice of the charge of over-legislation, and an undue fondness for English law, so often brought against the Government of India. The truth is, that the English Law of Evidence was inevitably introduced into India to an uncertain and indefinite extent as soon as English lawyers began to exercise any influence over the administration of justice in India. Nor was this all. In order to avoid refinements which would have been most injurious to India, legislation was necessary which, by declaring that particular parts of the English law of evidence should not apply to India, give an implied sanction to the rest of it. The general result was, that the law of evidence before the Evidence Act was passed had a sort of dead-alive existence in India, and was the bugbear of civilian judges, who were placed by it much at the mercy of every English barrister who might appear before them. The Evidence Act reduced the whole subject to a plain, short, and explicit form.

The Contract Act (IX. of 1872) did for the law relating to contracts very much what the Evidence Act did for the law relating to evidence. It reduced

to an explicit written form a great mass of law which had previously been contained only in text-books and reports, the authority of which in India depended principally on the discretion of the judges. This Act was originally drawn by the Indian Law Commissioners, but was considerably altered in India. I re-drew the whole of the first part.

III. Acts relating to judicial procedure, civil or criminal. Of these I may notice:—

1. The Code of Civil Procedure, VIII. of 1859.
2. The Code of Criminal Procedure, X. of 1872.
3. The Civil Courts Acts.

Procedure is a subject on which every one must admit legislation to be necessary. Few persons, however, know what a very large proportion of the Indian statute-book is filled by Acts relating to that subject. As the whole system, including the constitution of the courts themselves, had to be constructed from the very foundations, and as the constant changes in the extent of the Empire and the constant accumulation of experience rendered corresponding modifications in the system necessary, the legislation on both civil and criminal procedure became in the course of time exceedingly complicated. It was, indeed, so complicated, that to master the system from the Regulations and Acts themselves was impossible. It could be learnt only by experience and tradition.

The first great improvement and simplification introduced into this state of things was effected by the enactment of Act VIII. of 1859, the Code of Civil Procedure, which reduced to a single intelligible

and systematic enactment, upwards of 147 fragmentary and not very consistent previous enactments. The Code, however, was itself somewhat loosely drawn, and has not only been several times amended, but has been made the subject of a vast number of judicial decisions. It was, however, an immense step in advance, and saved District Officers an incalculable amount of unnecessary and most irksome labour.

It was followed in 1861 by the Code of Criminal Procedure (Act XXV. of 1861), which, though a great improvement on the previous state of things, was most obscure in its arrangement, and required a vast amount of amendment and explanation by judicial decisions.

It was re-enacted in 1872, as Act X. of that year, in such a shape as to include the whole of the law (with the exception of that which provides for the organization of the police) relating to the constitution of the Criminal Courts in their various degrees, the functions of the different classes of magistrates, the apprehension of suspected persons, the collection of evidence of their offence, their committal for trial, the preparation of the charge, the law relating to juries, the conduct of the trial, and the infliction of punishment.

It also deals with the whole subject of the prevention of crime, by binding over persons to keep the peace, by the suppression of riots, by enabling provisional orders to be made as to the possession of land, and by various other means, to which I need not now refer.

I believe, in short, that a student who carefully acquainted himself with the provisions of this Act, would have a complete theoretical knowledge of all the more important of the general duties which he would have to discharge as a District Officer.

Indeed, any one who had thoroughly mastered the Penal Code, the Evidence Act, the Contract Act, and the two Codes of Procedure, all of which put together do not fill a very large volume, would have an amount of positive definite knowledge about the institutions of the country, a grasp of legal principles of the very highest importance, which is not to be attained at all by English law-students except as the result of much independent study, long practice, and investigation of a kind for which few people have either leisure or inclination.

One subject of first-rate importance, in a practical point of view, is not included in these Acts. This is the constitution of the Courts of Civil Jurisdiction. This matter is provided for in ten different Civil Courts Acts, one for each of the Provinces into which the Empire is divided. Before the last edition of the *Code of Criminal Procedure* was passed, it was almost impossible to say what the constitution of the Criminal Courts was. The Regulations respecting them were fragmentary and intricate to the last degree; and in at least one most important case (as I have already pointed out) they were incoherent, if not inconsistent.

IV. Acts relating to Land Revenue.

The laws relating to land in India are by far the

most important laws in the country, and affect more closely than any others the daily life of the people. I cannot here attempt to give even an outline of their leading details, but I will try to indicate as shortly as I can the position which they hold in the general legal system, and the way in which our legislation affects the landed property of the people at large.

The persons interested in the land in India are

1. The Government as owners of the Revenue, which is universally regarded throughout all India as the first charge upon the land.
2. The collectors of the Revenue, who are responsible for it to the Government.
3. The cultivators of the land.

These classes of persons were, however, related to each other in very different ways in different parts of the country. To take, first, the relation between the Government and the collectors of revenue, or zamíndárs. The simplest form of this relationship was when the zamíndárs were simply tax collectors, theoretically entitled to a certain proportion of the revenue, and practically able to extort much more, on various grounds, from the cultivators. They were also in many cases grantees of larger or smaller parts of the revenue. The commonest and readiest way of compensating military or other services was to give a man a village—that is to say, the land revenue payable by the village. Thus the zamíndár was, and is in many cases, not only the tax collector, but the proprietor of a rent-charge.

On the other hand, in many parts of the country,

the villages themselves, in their *quasi* corporate capacity, undertook to pay the revenue, in which case there would be no zamíndárs in the sense in which the expression is understood in Bengal.

In other parts, again, and particularly in Southern India, there is no middleman at all between the Government and the cultivator. The individual landholder is liable to the Government directly for the amount of revenue which is due from the land which he occupies.

The relation between the parties interested in the land as landlord and tenant, though closely connected with their relation to the Government, is nevertheless distinct from it. Throughout the whole of Northern India, the native theories and practices as to the ownership and cultivation of the land have been translated by the British Government into the relation of landlord and tenant. Speaking in the broadest possible way, the person settled with—that is to say, the person who becomes responsible for the land revenue of a particular piece of land—is the landlord. The reason is, that the making of the settlement is a public and notorious fact, legally recorded, and capable of being ascertained at any future time. If no record is kept of any other interests than his, they are incapable of proof, and he thus becomes the owner in fee-simple, subject to a rent-charge payable to the Government. If this rent-charge is permanently fixed, as in Bengal, he can grant leases on whatever terms he pleases to tenants, who again can sub-let, until a considerable number of middlemen

intervene between the owner and the cultivator. This state of things has, in fact, grown up all over Lower Bengal under the Permanent Settlement.

In parts of the country where the settlement with Government is only for a term of years, it is obvious that the relation between the person settled with, and the cultivators, must also be temporary, as a lease made for a term longer than the term of the settlement would cease to be of any advantage to the lessor if the Government demand were to be raised. If, however, no notice were to be taken of any one but the person settled with, it would be in his power to rack-rent all the cultivators for the term of each successive settlement, as his connection with the land would appear, and theirs would not.

Experience long since showed that to establish such a system would be to destroy the whole framework of native society, and the only way in which the necessary precision and security could be given to the collection of the revenue without involving this consequence, was by recording all the rights of the people interested in the land, as well as those of the person settled with. The ultimate result has been, that the different interests in the land are classified as being those of landlords, tenants at a rate perpetually fixed, who are in fact sub-proprietors, tenants at a rate liable to enhancement on cause shown, and tenants at will.

The most important part of the legislation on this matter consists of provisions by which the landlords are enabled to recover their rents, and of artificial

presumptions based upon the length of time during which given tenants have held at a fixed rate, from which their status as sub-proprietors, occupancy tenants liable to enhancement of rent, or tenants at will, is to be inferred.

The customs of the country as to descent, inheritance, the distribution of village produce, the mode of using the village waste, rights on the part of co-sharers to have the refusal of any share which is to be sold (this is known as the right of pre-emption), and many other matters, form a distinct and very important head of Indian real property law.

The only way in which it has been affected at all by legislation is, that at the settlement of the revenue all such customs are recorded, and form a part of what is called the Record of Rights.

The regulation of the Land Revenue thus embraces, directly or indirectly, the reduction of the whole of the law relating to landed property to a definite shape. In the memorable case of the Permanent Settlement, there can be no doubt at all that this process interfered to an immense extent with the general constitution of native society, whether for the better or the worse I do not inquire. In every other part of India, there can be no doubt that one cardinal innovation, often referred to, was made; that is to say, the innovation of substituting the force of law for the force of individuals, and a regular system of private rights for a drifting mass of variable village customs. But for at least half a century, every effort has been made to do this with the utmost possible regard for

native usages, so that our system may differ from the system which it has superseded, as a map well engraved by a skilful artist, in due proportion, and with all the lines properly completed and connected together, differs from a rough sketch of the same place, imperfect at every point, and with every line blurred, blotted, and indicated rather than drawn. I believe that the blessings which the change has conferred on the whole country are incalculable, and that they are never questioned till familiarity with the blessings of law and peace cause forgetfulness of the disorder and oppression which they supersede.

I will not try to give even an outline of the manner in which the two great problems of settlement legislation, and landlord and tenant legislation, have been dealt with in different parts of the Empire. What I have said is sufficient to indicate in the most general way the nature and relation of the questions involved.

V. Miscellaneous Acts.

I need say very little of the miscellaneous legislation of the Government of India; but I can affirm with confidence that it contains no Act which circumstances did not render either necessary or obviously desirable.

The only remark which I think it necessary to make upon these Acts in connection with the charge of needless legislation, so frequently urged against the Government of India, is that most of those who make the charge in question appear to me to be altogether ignorant of the leading principle, that

although a zealous District Officer may and ought to do innumerable things which he is not legally bound to do, and as to which the law is altogether silent, he neither can nor ought to interfere with any man's person or property, except in cases in which he is expressly authorized by law to do so. A large part of the miscellaneous legislation of the Government of India was intended to arm District Officers with powers which were essential for the proper administration of the country, and which in many cases had been assumed without legal warrant, and had been found in practice to be illegal. For instance, the Prisons Act 1870 (XXVI. of 1870) was enacted because it appeared that no legal power existed by which gaol officers in the Panjáb could be punished for gross misconduct. On looking into the law on the subject, it was discovered that it was scattered over six Regulations and Acts, which were very vague in themselves, and as to some of which it was very doubtful whether they were in force in the Panjáb or not. They were accordingly consolidated into one general Act, and many practical defects in their working were removed by the Act mentioned. I have seen this described as a piece of legislative intrusion upon a matter which ought to have been left to executive action. The fact was, that the Prisons Act made vigorous executive action easier and safer than it had previously been.

Another illustration is afforded by Act XXVII. of 1871—an Act for the Registration of Criminal Tribes. A system had been introduced into the

Panjáb, simply by executive orders, by which the members of predatory castes or villages were required to attend roll-calls at certain intervals, and were, in fact, subjected to a system of police surveillance, which was found by experience useful in preventing systematic robberies extending over a great extent of country. These orders were declared by the Chief Court of the Panjáb (quite correctly, no doubt) to be illegal, and the result was the abolition of the system, the restoration of the persons affected to complete liberty, and the commission of a number of robberies all over the country. Act XXVII. of 1871 enabled the Local Governments of the Panjáb and the North-West Provinces to impose restrictions of this kind in particular cases, and under proper safeguards. It legalized, in a word, a practice for which, as experience showed, a legal basis was required.

I might multiply illustrations of this principle to any extent, but I will mention only two more. The Land Acquisition Act (X. of 1870) was modelled on the corresponding English Act, and enabled the Government to take land for public purposes. The Panjáb Drainage and Canal Act (XXX. of 1871) set the whole subject of irrigation works on a legal footing as regarded the Panjáb. Many of the provisions of this Act were the subject of great controversy and of a difference of opinion between the Secretary of State and the Government of India, and the Act has been repealed and re-enacted with modifications; but the absolute necessity of some legal provisions upon the subject was contested by no one. They were

universally felt to be absolutely essential to the construction of the works which form the only security against famine.

I have thus drawn a slight sketch of Anglo-Indian legislation in so far as it is contained in the Acts of the Governor-General in Council. For the reasons already given, I could not make the part which Lord Mayo and his Government played in the matter intelligible without giving, as it were, a rough ground plan of the edifice which they had to keep in repair —to enlarge in some directions, and to re-arrange and simplify in others. I will now proceed to give you an account of the manner in which this task was discharged.

Lord Mayo's legislation extended over the years 1869, 1870, 1871, and the first quarter of 1872. It is true that the most important of the Acts which were prepared in his time were passed by Lord Napier in the interval which preceded Lord Northbrook's arrival, but they belong not less to the Earl of Mayo's Viceroyalty. Sir Henry Maine was legal Member of Council during the greater part of 1869. I held the same office from December 1869 till April 1872. Mr. Whitley Stokes held the office of Secretary to the Legislative Department during the whole of this period; but Mr. Cunningham (now Advocate-General of Madras) acted for him from the spring of 1871 to the spring of 1872.

Of the twenty-six Acts which were passed in the year 1869, the last year of Sir Henry Maine's tenure of office, a considerable number were of very high

importance. Some of them, though very valuable and involving much labour,[1] could hardly be made interesting to general readers; but some of the others were remarkable. Three of them (Acts II., IV., and XXI.) were important members of a class of laws which I have not yet noticed — laws which are required to meet questions arising out of the residence of Europeans in India. The most important of them is Act IV., which adapts to India, and applies to the case of the marriages of Christians there, the provisions of the English Divorce Act of 1858. Act XXI. makes provision for arresting in India and removing from India all Europeans who are reduced to a state of vagrancy and pauperism, about as helpless and wretched a class of persons as is to be found in any country. Act II. makes various provisions as to the appointment of Justices of the Peace, the class of Magistrates who alone have jurisdiction over European British subjects in India, and consolidates into one short and clear enactment much that was formerly fragmentary and obscure.

The legislation which took place in 1870, 1871, and 1872 ranged over most of the different classes under which I have distributed the Acts of the Council of the Governor-General. One principal object which was constantly kept in view, and very nearly brought to completion, was the consolidation of all the miscellaneous Acts in such a manner that

[1] Such as Act XVIII., the General Stamp Act; Act V., the Indian Articles of War; and Act VIII., which largely amended the Code of Criminal Procedure of 1861.

there should be but one Act upon each of the subjects to which they refer. Preparations had been made for this, principally in Lord Lawrence's time, by Acts which repealed the greater part of the obsolete enactments, and by indexing and collecting the Acts which were not repealed. The different Acts relating to different subjects were then re-drawn, consolidated, and amended in a variety of minor particulars. The effect of this was not only to abbreviate and clear up the law upon a great variety of questions, but to set at rest many doubts, to incorporate in the Statute Law a great number of judicial decisions, and to reduce a large branch of the law to a much simpler form and narrower compass than had previously belonged to it.[1]

These Acts were comparatively simple, but others involved great labour. The most important of them were two Acts which were intended to, and I hope effectually did, clear away a strange mass of confusion as to the laws in force in the Panjáb. They were intended to be followed, and I hope that in due time they will be followed, by similar Acts relating to the Central Provinces and Oudh.

The Panjáb, Oudh, the Central Provinces, and

[1] The following were the Acts passed with this view:—Act XXIII. of 1870, relating to Coinage and the Mint; Act XXVI. of 1870, relating to Prisons; Act I. of 1871, relating to Trespasses by Cattle; Act III. of 1871, relating to Paper Currency; Act IV. of 1871, relating to Coroners; Act V. of 1871, relating to the Apprehension of Prisoners; Act VII. of 1871, relating to the Emigration of Native Labourers; Act VIII. of 1871, relating to the Registration of Documents; Act XIII. of 1871, relating to Customs Duties; Act XXIII. of 1871, relating to Pensions; Act XXVI. of 1871, relating to what are known as Takáví Advances—that is, advances for agricultural improvements.

Burmah, together with certain parts of districts of Bengal, formed what were called the 'Non-Regulation Provinces.' Their legal position was very singular, and several matters connected with it form a curious feature in the history of the government of India.

Long before there was any Non-Regulation *Province*, there were a good many Non-Regulation *Districts*. The earliest Bengal Regulations extended only to the Lower Provinces of Bengal. Upon the acquisition of what now form the North-West Provinces, the Regulations then in force were re-enacted, with slight variations, for the new Provinces. In some instances they were re-enacted twice over,—once for what were known as the Ceded, and once for what were known as the Conquered Provinces. As time passed, they became so very clumsy and intricate, that they were felt to be unfit for the government of Provinces in which the officers of Government were few in number, and had to discharge every sort of function, so that they had not time to acquaint themselves, either by theory or by rule of thumb, with the Regulations in all their ramifications. The euphemistic official way of describing this state of things was to say that the Regulations formed a refined system, not fitted for a rude and simple state of society. Hence, whenever a district was specially troublesome and difficult to govern, it was withdrawn from the operation of the Regulations and became a 'Non-Regulation' district. In these exceptional districts the authority of the District Officers was supposed to be practically absolute. The practical difference

between such districts and others in the present day is that the judicial proceedings of their magistrates and commissioners are superintended by the Lieutenant-Governor himself and not by the High Court; but all the more important laws which prevail in the quietest and most civilised parts of Bengal are equally in force, as amongst the Santáls for instance.

Upon the annexation of the Panjáb in 1849, the question by what law it was to be governed immediately suggested itself. It was absolutely necessary that the Province should be governed vigorously, and at the same time cheaply, and these two objects were attained by the establishment of what was called the Non-Regulation or Panjáb system, by which all the powers, both of the Judicial and of the Revenue branch of the service, were put into the hands of a single body of men. This board was supposed to apply on a large scale the precedent set by the previous Non-Regulation Districts. If such a scheme was to be carried out in its integrity, it was impossible to extend the Bengal Regulations to the Panjáb. They could be fully administered only by officers who become acquainted by long practice with their intricacies, and who were in possession of a great amount of collateral knowledge, without which they were unintelligible. The proper remedy for this, no doubt, would have been to codify the law, but for such an operation there was no time, and the course actually taken was to treat the Panjáb as a Crown Colony, to assume that the Government of India had, as the agent of the Queen, absolute

power over it, both legislative and executive, and to delegate that absolute power to the Board of Administration, which consisted of Lord Lawrence, Sir Henry Lawrence, and Mr. Mansel. This policy was as prudent as it was bold; but its legality was doubtful, and the consequence was that the authority given to the Board of Administration was by no means precise or definite. It amounted, however, to an instruction to the Board to govern the Panjáb as they thought right, but as nearly as circumstances permitted on the same system as the North-West Provinces.

Under this authority the Board of Administration in the first instance, and Lord Lawrence afterwards, first as Chief Commissioner, and afterwards as Lieutenant-Governor, not only administered the affairs of the Province, but provided it with a Code of laws, consisting of a Penal Code,—a book which was commonly called the *Panjáb Civil Code*, and which was a short statement of some of the most important branches of civil law, and Codes of civil and criminal procedure. A great number of other executive orders were issued, as occasion required, on matters of more or less importance, all of which were enforced as having the authority of law. In particular, revenue settlements were made for every part of the country. The officials engaged in performing this operation were guided in the main by the system in force in the North-West Provinces; but it was always understood by the parties concerned that the orders of the Panjáb Government

were the rule by which the officers were to proceed,—that the Government had power to modify the North-West system as they thought proper, and that the Regulations in force in the North-West Provinces were to be regarded in the Panjáb only in the light of patterns. The Panjáb thus formed a Province governed by its own laws, and legislated for by its own local officers.

In course of time great doubts were thrown on the legality of these proceedings, and in order to set these doubts at rest, a clause (section 25) was put into the Indian Councils Act in 1861, which gave the force of law to all past executive legislation in the Non-Regulation Provinces, but in terms which the Government of India has treated as a prohibition of such legislation for the future.

A somewhat similar state of things grew up in Oudh, which was annexed in 1856. The Central Provinces were formed into a separate administration in 1861, partly out of native States and partly out of Non-Regulation districts, some of which belonged to the North-West Provinces, and others to the Bombay Presidency. As to Burmah, little, if any, executive legislation was found necessary there. The system of land revenue which prevails there differs from that of India. The result is, that since 1861 the Non-Regulation Provinces have been legislated for in the same manner as other parts of the country; but in each Non-Regulation Province and district a mass of executive orders has been turned into law. As these executive orders were not meant for laws when

they were made, as no specific record or complete collection of them was ever kept, and as many of the most important of them took the form of correspondence between the Local Government and its officers, the result was to introduce into the law of each of the Non-Regulation Provinces, and especially into the law of the Panjáb, an unknown element. The Non-Regulation Provinces, in short, have, since 1861, been Provinces with special regulations of their own, distinguished from those of the Regulation Provinces by their intricacy, and by the fact that no one could undertake to say what they were. It was also in each particular instance a debateable question, whether, and to what extent, the Acts and Regulations in force in other parts of the country were in force in the Non-Regulation Provinces.

The practical inconveniences of this state of things were extreme. The discussion which excited so much attention in 1868, and which led to the enactment of the Panjáb Tenancy Act of 1868, was caused entirely by the fact that no one could undertake to say whether the Regulation (VII. of 1822), which was the foundation of the Land Revenue Laws of the North-West Provinces, had or had not been extended to the Panjáb. In the same way, the question whether the book known as the *Panjáb Civil Code* was a real Code, or merely a law-book recommended by the Government to the use of its officers, was continually arising in various shapes. It contained, amongst other things, a sort of Bankruptcy Law, under which large amounts of property had been distributed, and

there were great doubts as to whether this had or had not the force of law.

This confusion had attracted a good deal of attention, and in order to put an end to it, the Government of India had sent out a circular, in Sir Henry Maine's time, directing the Local Governments of the Non-Regulation Provinces and Districts to make returns of the Executive Orders which had acquired the force of law within their Courts under the 25th section of the Indian Councils Act. A return to this circular from the Panjáb Government (which was by very much the most important of those Provinces) was received in 1871. It consisted of an octavo volume of notes, despatches, and correspondence never before collected, which it was supposed had or might be considered to have acquired the force of law under the provision in question, and it also referred to the question whether the so-called Panjáb Civil Code was or was not law, and whether and how far the Regulations in force in the North-West Provinces, and in particular those which related to the revenue, were or were not in force in the Panjáb.

In order to set all these questions finally at rest, two Acts were drawn and passed, one of which, XXXIII. of 1871, forms a Code of Land Revenue for the Panjáb, whilst the other (IV. of 1872) consolidated and re-enacted all the really important provisions of the rules upon which the 25th section of the Indian Councils Act had operated or was supposed to have operated, and repealed the rest. These two measures put an end to one of the strangest pieces of

intricacy and confusion to be met with in Indian law. The Panjáb Land Revenue Act was the only Act passed during Lord Mayo's Administration which bore upon the subject to which it relates. No pains, however, were spared to make it a complete exposition of the law and principles upon the subject which prevail, with modifications, throughout the whole of Northern India. It was so drawn as to embody the principles of Regulation VII. of 1822, together with the interpretations put upon it by a mass of official writings, and the modifications which, as a fact, had been introduced, whether legally or not, into the Panjáb. I think it will be found to give, in sixty-seven sections, an account at once consecutive, full, and clear of a matter which was often described as so complicated and special that it could not be understood as a whole, and could only be learned by practice. The real difficulty appeared to arise from the fact that no one had ever undertaken the task of studying the matter systematically, and describing it in its natural order, except, indeed, Mr. Thomason, who, however, wrote not as a lawyer but as a practical administrator. The system was imperfectly understood by those who first dealt with it, and was afterwards smothered in the practical details; but that the matter itself admits of not only being simply stated, but of being made interesting, must be obvious to every reader of Mr. Thomason's directions to Settlement Officers.

These were the principal consolidation measures on miscellaneous subjects passed by Lord Mayo.

They made a very considerable approach to the ideal of having upon every subject a single Act, though several measures of considerable importance, which had been prepared with great care, were left unfinished. The most important of these were a Bill which would have defined the local extent of the different Acts and Regulations, and a Bill which would have done for Bengal what the Panjáb Land Revenue Act did for the Panjáb. Acts for each of these purposes have since been passed.

Acts similar to the two Panjáb Acts were also required for Oudh and for the Central Provinces, though not, I think, for Burmah. The absence of anything like a legal system of land revenue law in the Central Provinces appears to me to be neither creditable nor altogether safe. I made many vain attempts to discover what law, if any, was in force there on this vital subject, and I could, if it were proper to do so, point out questions on the subject which are at present altogether unsettled, and which, if raised in courts of law, might give rise to great embarrassment. These are the very questions for which legislation ought to provide beforehand.

The legislation relating to Judicial Procedure in Lord Mayo's time consisted of the following Acts:—the Bengal Civil Courts Act, VI. of 1871; the Oudh Civil Courts Act, XXXII. of 1871; the Burmah Civil Courts Act, VII. of 1872; the Code of Criminal Procedure Act, X. of 1872; and the Extradition Act, XI. of 1872. The Civil Courts Act forms part of a series of Acts, each of which provides for the organization of the

Civil Courts in one of the Provinces of the Empire; for to a certain small extent their organization differs. The organization of the Criminal Courts throughout the whole Empire is provided for by the second part of the Code of Criminal Procedure.

In regard to codification proper, the Acts passed in Lord Mayo's time were:—XXVII. of 1870, which amended the Penal Code; IX. of 1871, the Indian Limitation Act; I. of 1872, the Indian Evidence Act; and IX. of 1872, the Indian Contract Act. I need add nothing to what I have already said about these Acts, except that the Limitation Act (IX. of 1871) re-enacted an earlier Limitation Act, XIV. of 1859, in such a manner as to embody in the words of the Act and its schedules upwards of 1000 cases which had been decided on its predecessor. Act IX. of 1871 was almost exclusively the work of Mr. Whitley Stokes. It may interest the legal reader to know that the principal simplification introduced into the Act was as follows. Act XIV. of 1859 provided that the time of limitation should run in most cases from the time 'when the cause of action arose,' and hundreds of decisions were necessary in order to determine the precise date at which the cause of action arose in particular cases. The result of all these decisions is scheduled in IX. of 1871; every item in the schedule supersedes a case or class of cases.

In this short review of the legislation which took place during Lord Mayo's administration, I have omitted all mention of several Acts which belong rather to his general administration of public affairs

than to the subject of the reform or improvement of the law. The three Income Tax Acts of 1870, 1871, and 1872, and the Acts (XVII., XVIII., and XX. of 1871) for providing for the levy of rates on land in Oudh, the North-West Provinces, and the Panjáb respectively, were no doubt amongst the most important of the laws which were passed during his tenure of office. Their interest, however, is rather political than legal. One observation only arises upon them in connection with the special subject of this letter. Inasmuch as they established new taxes by law, they were made the occasion of an outcry against legislation. 'India,' it was said, 'requires rest, therefore do not legislate about contracts or the law of evidence.' It would be about as sensible to say to a man who was accused truly or falsely of over-speculation, 'Your income requires rest, therefore do not put your papers in order.'

It was often said, both in England and in India, that the legislative work done in 1871 and 1872 was done too quickly, and without due consideration or full opportunity for public discussion. No assertion can be more opposed to the truth. As to the degree of care bestowed upon the Acts, they speak for themselves, and are continually subject to the most searching of all criticism, the criticism of the Courts of Justice; but as to the charge of precipitation, it would be possible to show, if it were worth while, that ample time was afforded for the discussion of every Act, that every sort of criticism was courted and solicited, and that to have hesitated longer about passing them would have been mere weakness.

It is no doubt true that three Acts of the very first importance, the Evidence Act, the Contract Act, and the Code of Criminal Procedure, became law within a very short period of time; but each of these Acts had been before the public for years.

The Evidence Act was originally introduced in 1868, and the Contract Act in 1867. The Evidence Act was re-drawn from beginning to end in the winter of 1870–71. It had been before the public substantially in the form in which it was enacted seven or eight months before it passed.

I do not like to conclude without saying a few words as to the interest taken by Lord Mayo personally in legislation. Though he left to me the general management of legislative business, and though his other duties made it impossible for him to occupy himself with the details of particular measures, he took the deepest personal interest in the different undertakings which I have tried to describe. I believe that the principles which I have stated as those on which Indian legislation ought to be carried on were his as much as mine; and I know that whenever any difficulty arose in their application, he gave me the warmest, most cordial, and most effective support. Upon all such matters I was surprised to find him so much interested as he was. Questions of considerable delicacy arose between the Government of India and the Indian Law Commissioners in England before Lord Mayo came to India, and these difficulties suspended the enactment of very important measures for several

years. That the Government of India was able to pass in 1872 the three great Acts to which I have already referred was principally due to Lord Mayo personally. If he personally had cared less about legislation, and had taken a less vigorous line about it, it would have been impossible to pass any one of those Acts.

Though Lord Mayo did me the honour to leave a very wide discretion in my hands, he kept a watchful eye on the proceedings of the Legislative Department, as on those of every other department of the Government. In every matter which he regarded as sufficiently important, he was sure to interpose with equal promptness and decision. The whole scheme and principle of the Marriage Act, for instance, was most carefully considered by him, and the result finally attained was due to a great extent to his careful consideration of the matter.

I do not like to trespass on what is your peculiar province in telling the story of Lord Mayo's life. But I cannot leave the subject without saying that, of the many public men whom it has been my fortune to meet in various capacities at home and in India, I never met one to whom I felt disposed to give such heartfelt affection and honour. I hope you will succeed in making people understand how good and kind, how wise and honest and brave he was, and what freshness, vigour, and flexibility of mind he brought to bear upon a vast number of new and difficult subjects.—Sincerely yours,

J. F. STEPHEN.

CHAPTER IX.

LORD MAYO'S INTERNAL ADMINISTRATION.

IN order to understand Lord Mayo's internal government, it is necessary to realize with some distinctness the two aspects of an Indian Viceroy's work. In my narrative of his Foreign Policy, I alluded to what may be called the paper-side of his duties, and also to his more personal functions. As the final referee and supreme source of authority in each of the seven Departments of State, he has daily to read, and to write orders upon, an endless succession of documents: as the mainspring of the Government, he has to personally study the character and to discover the capacity of the many administrative chiefs with whom the execution of his orders rests. An unwearied power of getting at the real meaning of thick files of documents, and a talent for courteously but rapidly gauging men, form the two essentials of success in the Viceregal office. I propose, before entering on the separate branches of the Earl of Mayo's internal administration, to exhibit in some little detail the two general aspects of it thus indicated, and the interpretation which he gave to the two sets of duties involved.

In the Foreign, Financial, and Military Departments, the responsibility of the initiative rests in a large measure with the Viceroy. With regard to the great lines of Foreign Policy, indeed, it rests almost entirely with him; and Lord Mayo, as his own Foreign Minister, fully accepted this fact. In fiscal measures the burden is shared by the Finance Minister; yet the odium of unwise taxation, the discredit of recurring deficits, or the praise due to vigilant economy and foresight, clings to the Governor-General himself. In Military affairs, the Commander-in-Chief divides the responsibility to a still larger extent, and is practically supreme in all matters of efficiency, discipline, and distribution; but the great issues of war and peace rest with the head of the Government. I have accordingly dealt with these three Departments first, and in the order now indicated. As regards the internal management of the country, the duties of the Government of India and of the Viceroy partake less of the initiative. A Governor-General may have his own projects of internal government, and he may do much to impress his general views on the local administrators; but his chief function in the Home Department is to watch other men's work, not to invent work himself. It is the Provincial Governments, with their district officers, who devise and execute; the business of the Government of India, with the Viceroy at its head, is to criticise rather than to project.

The Earl of Mayo very distinctly realized this fact. The following pages will show that on many large

subjects—such as railways, irrigation, education, and important questions affecting the rural masses of India—Lord Mayo had well-defined views of his own, and tried, with a fair degree of success, to give effect to them. But to those who worked near him, his merit as a Viceroy seemed to lie not so much in this conspicuous class of measures which won the public praise, as in the sober breadth of view, keen insight, and prompt exactitude which he brought to bear on the unnoticed daily labour of the administration. He was full of original views, but he never allowed his originality to attempt flights in the initiative of measures which properly belonged to the Local Governments. The trained administrators of India learn early in their careers to despise state-craft. Plain dealing is the only way out of the practical difficulties which they encounter every day of their lives. The problem before a Viceroy is to respect the independence of his Provincial Governors, and at the same time to influence their policy, without resorting to finesse or any stratagem of management. The materials from which the present chapter is written show how Lord Mayo solved this problem—by becoming the friend and personal confidant of his great lieutenants, a referee and adviser to whom they gladly resorted before giving their policy official shape; by reconsidering, and, if needful, by retarding or disallowing measures of which he did not approve; and by expediting and bringing the whole financial and moral support of the Government of India to bear on lines of action which he deemed right.

He looked upon a personal acquaintance with the Local Administrators as an essential instrument of Indian government. This acquaintance he made partly by unfailing hospitality towards all men of mark who came within his reach; but chiefly by a carefully-planned system of tours. The Mughul Government in its best days was a peripatetic one; its camp was its capital, and the abandonment of this method marks the commencement of that false centralization which led on to the disintegration and downfall of the Delhi Empire. The most eminent of the English rulers of India—Lord Mayo's immediate predecessor conspicuous among them in this as in other respects—were men who insisted on seeing the different systems of their different Provinces with their own eyes. I have already quoted an eminent civilian, Sir John Strachey, with reference to the interpretation which the Earl of Mayo gave to this duty. A soldier who has risen by his gallantry in the field and talent for administration to high office, writes to me thus: 'In his tours, Lord Mayo learnt more of India during his short Viceroyalty than many of us have learnt in a lifetime. He was accessible to all; ready to listen, slow to condemn. He sought out men, and he won the hearts of all with whom he came in contact by the practical qualities of his mind, his firm common sense, and the mingled knowledge and interest which he brought to bear on Indian subjects. I have more than once heard an officer exclaim, after Lord Mayo had left his jurisdiction, that "the Viceroy knew things about his District which he had not known

himself;" and all felt his great force of character. His example during these tours of activity and endurance, his courtesy to natives, his hospitality, and the knowledge which he gained of the practical working of measures and of the individual capacities of men, did more than all the paper work in the world to strengthen the ties between a great central ruler and the actual administration.'

One secret of his influence was that he really liked the men whom he thus met. A Viceroy fresh from England, and suddenly thrust into the midst of Secretaries, Heads of Departments, and Councillors, whom he sees labouring to the utmost of their strength, is apt to suppose that the knot of able and zealous men around him constitute the actual governing body. No mistake would more imperil the safe practical management of India; and the abler and the more zealous the men immediately about the Viceroy, the more dangerous would be the mistake, and the greater the tendency to a doctrinaire policy and a bureaucratic administration. The unit of government in India is the District, and the practical governor is the District Officer, or man in charge of it, whether called Magistrate, Collector, or Deputy-Commissioner, or by whatsoever name he may be known. He is the pivot on which the whole administration of the country turns. I may perhaps be permitted to say this, as one whose career has long been withdrawn from District work. 'The rulers' of India, says Mr. Fitzjames Stephen on a previous page,[1] 'that is to say, the District Officers.' No Vice-

[1] *Ante*, p. 160.

roy ever had abler or more strenuous officials around him than Lord Mayo; but no Viceroy more clearly realized that they were his channels of communication with the actual governing body, not the governing body itself. 'We all labour hard in India,' he said in one of his public speeches, 'and no one knows better than I the intensity with which the Heads of Departments and the members of the Secretariat work. But we can in reality effect nothing, unless our efforts are seconded and our suggestions carried out by the District Officers. Wherever I have gone it is all the same. Under the snows of the Himálayas, in feverish jungles, on burning plains, I have always found the same class of men doing the same good work. I believe that in history no Sovereign was ever served by a body of men engaged in more arduous, more useful, and more successful work, than are the servants of the Queen in India.' In the largest Province of India, Lower Bengal, the Local Government, during Lord Mayo's Viceroyalty, deemed it right to strengthen the position and to increase the authority of the District Officers. These measures had his cordial concurrence and support.

Another secret of the Earl of Mayo's success with the local administrators was the genuine and outspoken pleasure which he took in their sports. A good shot and a hard rider, he shrank from neither exposure nor fatigue, and the end of a long day left him the freshest of his party. 'Notwithstanding I am governing two hundred millions of people,' he wrote to a friend, 'I occasionally get an hour or two for a gallop after a

pig. It is the only sport in the country which is congenial to the feelings of an old fox-hunter, and is real business. You have to ride hard over very rough ground, or some young civilian or subaltern will not give you a chance of a first spear. There is no favour shown, and the Bengal pig-sticker would as soon ride over the Viceroy as an Oxford boy over the Speaker of the House of Commons or the Bishop of Winchester.' The etiquette in most of the Tent-Clubs, although Lord Mayo was kept unaware of it, is to try to let the Viceroy, when he is their guest, get the first spear. But if several boars break cover at the same moment, as sometimes happens, it is difficult to carry out this rule, and after the first spear every one is equal, as Lord Mayo describes. His diary contains realistic little sketches of Indian sport. 'The usual way of shooting is this,' he writes of April tiger-hunting in Northern India: 'The country being very dry, the tigers are all found close to the water. The water is generally bordered on each side with a margin of reeds, varying from fifteen to three hundred yards in width; and as the streams wind a good deal, the beating of these watercourses is a very slow process. Every thick bunch of reeds has to be carefully searched by the pad-elephants, lest a tiger should be left behind. The ground is often very swampy, and the elephants have considerable difficulty in getting through what the natives call *fusin*—simply a soft, deep, and stinking mud.' 'To-day's bag: 1 tiger, 2 tigresses, 17 para, 2 chital (leopard), 5 hares, 4 black and 1 swamp partridge, 2 pig, 1 pea-fowl; total, 35:

also, 1 civet cat.' Another day the bag is 50, and the dimensions of the tigers are always scrupulously noted.

The best way of showing how the Earl of Mayo made himself the companion of the District Officers will be to quote a few entries from his diary, omitting any official matters, and extracting only passages which refer to his sport. Lord Mayo often got his shooting at the very beginning of a long day's official work, or on his way from one camp to another. In April 1871, however, he made a short tour in the North-Western Provinces, and had a few days' sport with the Commissioner of the Division and his party. One afternoon, after beating the dry bed of a river with fair success, 'a certain aboriginal *chárw* undertook to show us the way to another watercourse some distance off, where he said there were *two* tigers. We marched for about three hours, and the aboriginal having lost his way, we were obliged to give up our search for the place. The *chárw* was greatly cast down, and seemed very much ashamed of himself. Then we marched through a fine *sál* forest, but saw nothing. When we arrived in camp we found that our things had all gone another way, and it was announced that we had very little chance of getting any dinner. However, in two hours the servants arrived, and, as usual, in the wonderful manner in which natives manage these things, we got a very good dinner about nine o'clock.' Next morning, 'as it never ceased raining all night, and the ground we had encamped upon was now black, swampy, and stinking, Mr. D. [the Commissioner] ordered a move. This

was a good deal grumbled at by some of us; but as he said he would not sleep in the place another night, after the heavy rain, for a *lákh* of rupees, and Dr. F. gave his vote for a change, I thought it better to order a general move to a dry and sandy place at some distance, where the Nawáb of Rámpur had sent on a very good camp. It is to be recollected that these *tarái* forests are deadly during eight months of the twelve. Throughout four months, indeed, no European can sleep in them without the certainty of catching the worst description of jungle fever. They are inhabited only by a wild aboriginal race called *chárus*. The people of the plains cannot live in them throughout the whole year, and it is said that the *chárus* get fever if they go down to the hot plains. Of the latter fact, however, I am not certain. On our way to the new camp we beat up a small watercourse, where we found a good two-year-old tiger, which we shot. We then marched about four miles farther on, and began beating down a winding river-bed; when a *cháru* who was tending some cattle came running up, and told us that a tiger had killed his pony only half an hour before. We turned back, and after beating for a short time, a magnificent tiger bounced out of a thick clump of willows and reeds. When he first showed himself he was about two hundred yards ahead. Two or three shots were fired, and he was slightly hit. He then went and lay down in some very thick reeds. When the pad-elephants came up [to drive him out] he attacked them furiously, clawing one elephant badly, and mauling the driver's foot. There were

three men on a pad-elephant in the stream, who were for a moment in great danger, as the tiger was rushing about on the bank, exactly on a level with their heads. However, [brother] Eddy gave him a bullet in the ribs, which stopped him, and he was soon disposed of.'

Another day: 'Formed two lines of elephants. I went with the Commissioner, and as we began to beat, a native ran up and told us that a tiger had killed his cow. We turned the line in the direction pointed out, crossed a swamp, and found the cow with hundreds of vultures already at it. We then formed a small line as the place was narrow, and in a few minutes out came a fine tiger. We ran him into the swamp, where he crossed a small but very deep river, which we could not get the elephants over. So we had to wait nearly an hour while we sent a portion of the line round. They beat up opposite to where we were standing, and on putting a pad-elephant close to the edge of the stream, out jumped the tiger with a roar, recrossed the river, and came right under the Commissioner's and my elephant. We fired together, and dropped him with a single shot, but could not tell which of us had done the business. We then beat another part of the stream, and had nearly a bad accident. While the Commissioner's huntsman (*shikárí*), who was in the howdah behind him, was throwing fire bombs into some thick reeds into which his elephant could not go, a spark fell into the howdah and exploded a powder-horn containing half a pound, at the Commissioner's feet. Fortunately no one was

hurt; but the *shikárí's* clothes caught fire. He immediately jumped to the ground from a height of thirteen feet, ran into the reeds and rolled himself in the wet mud. He was very slightly burnt in the leg and arm. We then beat up another small water-course, and near the upper part of it we found the other line, which had been waiting for us, drawn up across it. They had no idea that there was a tiger near, but when the line advanced there was a loud growl from a tigress who showed herself, and was immediately brought down. To the surprise of every one, *three* other tigers appeared in different directions. They were soon killed, and for the first time in the experience of the oldest tiger-hunter present, four dead tigers were lying on the ground together. We padded them all, and went home in triumph, with five tigers for the day's work. At night the Nawáb of Rámpur's players appeared and acted several satirical dramas, representing a magistrate in his court, a native wedding, recruiting for the Mutiny, and other pieces.' The Earl of Mayo got but a few such days of pure sport during his Indian career, but when he did get one he made the most of it.

A well-directed liberality in turf matters, strengthened the popularity which Lord Mayo's genial address and love of field sports won for him among the District Officers. In India, it should be remembered that almost the whole horse supply has to be imported, and that costly stud establishments form a regular charge on the revenues. In such a state of things, racing acquires a very different signifi-

cance from what it now has in England. It is a work of political importance to encourage the production of a decent quality of horse, and to induce the native landholders to keep well-bred stallions or to form small studs. Lord Mayo realized this, and his diary attests the interest and knowledge which he brought to bear on the subject. The Stud Department was subjected to formal investigation and stringent financial reform; and the private criticisms in his journal are as unfavourable as were his officially recorded views. I shall only quote one of the most colourless of them. 'After visiting the Botanical Gardens,' he jots down in his diary at Saháranpur, 'we went to see the Government Stud. There are a very large number of fillies kept here, also some stallions: the method of procedure being that the stallions are sent through the country and placed in the charge of the landholders, who likewise receive a certain number of the fillies for breeding purposes. The Government reserves a right to purchase the produce at a certain price. I thought the stallions very poor. A few of the fillies selected for breeding purposes were pretty good, although not nearly so perfect as they ought to have been, considering that they were the forty animals selected out of upwards of two hundred that come in every year.' Lord Mayo's efforts to reform the Stud Department belong to his public policy. In his private capacity he did what he could by cups and donations to the Turf Clubs, and by encouraging horse shows. At first he ran a few race-horses of his own, and throughout his Indian career his personal

knowledge and experience and purse were at the service of any well devised and honestly conducted effort to improve the breed of horses. An able and interesting article in the *Oriental Sporting Magazine*, the organ of the Indian turf, bears witness to the affection and respect with which he was held by sportsmen in the East.

These may seem petty traits in the character of a great ruler, and some of my readers are perhaps surprised to find them prefixed to a chapter on his internal administration. But they show the manner in which Lord Mayo moved among men, and the innocent arts by which he made them his companions and friends. Such amenities would have been powerless in the presence of the stern exigencies of Indian rule, if they had constituted the whole or even any conspicuous part of his character. But, superadded as they were to a splendid power of real work, they did much to create that personal affection for his character which formed so marked a feature of his Indian career. For, as already stated, Lord Mayo's object in his tours was a thoroughly practical one, and extensive as they were, he managed by hard travelling to compress them within a few weeks in the spring and autumn of each year. No one who did not actually accompany him knew the fatigue of body and mind which he went through in the 21,763 miles of his Indian journeys, nor can realize the serious risks which he ran by rapid riding over bad roads, or along precipices in the hill tracts. The only trip which was proposed to him for pleasure, namely, a visit to the sources of

the Ganges, he at once rejected. So far from his tours being periods of rest from official work, post-bags and telegrams followed him by his own order at every stage. It was a matter of daily occurrence, that rising at 5 A.M., spending the whole day in travelling, receiving officials, and inspecting public works, Lord Mayo still sat up half the night transacting business with his Foreign or Private or Military Secretary—business which had come in during the day from the distant Departments of the Government, and which was often of weighty importance. One of his most experienced secretaries thus writes to me with regard to the results of these tours: 'They did more to strengthen the bonds of union between chief and subordinate, to bring to light the strong and the weak points of the administration, to encourage the good and to expose the bad, than a lifetime of office work.'

It may be asked, what is the use of the personal element in the Government of India, and what right have the District Officers, Commissioners, and Local Administrators to exercise their private discretion, or to travel beyond the strict letter of the law? The answer is simply this. Indian law by no means provides for the whole circumstances and contingencies with which an Indian District Officer daily finds himself surrounded. Until within the last fifteen years, the law was not only indeterminate in form, but on many large subjects it was opposed in fact to the customs, habits, and positive rights of the people. Mr. Fitzjames Stephen has well described the great Codes

which now form the body of Indian law. Nor has he in any way exaggerated their importance. But it must be remembered that these Codes are, without a single exception, the product of the last few years, that is to say since the Government passed from the Company to the Crown, and that both the Criminal and Civil Procedure Codes have even during this short period been in a state of flux and revision. During the whole of the Company's administration, for a full century before Sir Henry Sumner Maine and Mr. Fitzjames Stephen came to India, the simplest questions of evidence or procedure were a jungle through which each officer had to thread his way as best he might. The result of these two gentlemen's labours may be estimated by the fact, that while the best of the old school of Indian officials were those who trusted most to what they were pleased to call their equity and good conscience, it is now a sign of rashness and want of knowledge for a District Officer to speak of his individual discretion with regard to any matter of judicial procedure.

But the defects of the system of law under which the Indian District Officer hardened and set into an administrative type, were by no means confined to imperfections of form. On some of the most important questions, the questions with which a District Officer has to deal every day of his life, and on the satisfactory management of which the peace of his District depends, our Indian laws were in patent opposition to the actual facts of the country and to the daily exercised rights of large classes of

the people. Thus, to take the most important of all Indian enactments, the Regulations of 1793 which formed, until 1859, the Land Law of Bengal. The framers of that Land Code found a vast number of ill-defined and sometimes conflicting rights in the soil. They selected the most conspicuous class of these rights, namely, those of the superior holder, and defined them with a fair amount of precision. The subordinate rights were acknowledged to exist in a general way and reserved, but they were not defined. While, therefore, the landholder or superior tenure-holder entered our courts with clearly ascertained rights and a legislative sanction for getting them enforced, the vast multitude of under tenants and cultivators could point to no ascertained rights nor to any legislative definition of them. A uniform enforcement of so amorphous and incomplete a measure was impossible. Practically, the District Officer cut the knot by settling in his executive capacity such cases as threatened the tranquillity of his people; and trusted to his personal influence to get his decisions accepted and carried out. The cases which came before him in his judicial capacity produced a mass of conflicting decisions which, when the subject was seriously taken up by the Legislature at the commencement of the Queen's rule, the best lawyers in India, after years of labour, failed to unravel. Even after the Land Law of 1859 had supplemented the Regulations of 1793 by defining the rights of the cultivators and subordinate tenure-holders, the subject was so involved that no class of the agriculturists knew

precisely what its rights were. The Land Act of 1859 threw Bengal into a paroxysm of litigation. After innumerable appeals through the subordinate tribunals, and with five years' experience of the new system to guide them, the whole fifteen judges of the High Court met together to definitively interpret its provisions; and in order to do so, they found themselves compelled to enter into questions of the most recondite history. Some of their decisions are antiquarian discussions, rather than declarations of the written law. When the ultimate tribunal in the land, with the highest legal talent and the full experience of five years of incessant appeals, had, in order to decide a simple claim for rent, to travel out of the statute book into the domain of unascertained history, it may be readily understood why the Indian District Officer learned to resort to his private discretion, and why he was encouraged by his superiors in doing so.

The legislative activity of the past few years has done much to remedy this state of things. But a large margin of rights and customs still remain undefined by law, while they have to be recognised in the practical management of the country. The English in India are conscientiously striving to rule according to native usages and native tenures. But no one can pronounce with certainty as to what many of these usages and tenures are. One thing which Lord Mayo learned on his tours was, that India is not a big country, but a collection of a great many small countries, inhabited by people belonging to widely separated stages of civilisation, and with very different

legislative acquirements. It is not too much to say that the single question as to whether there is more land than the inhabitants can till, or whether there are more inhabitants than can find land, determines their views on fundamental points of right and wrong as applied to real property. The answer to this question settles the character of their tenures, and produces a growth of local usages and rights which, if we are to keep peace among them, we must act upon. It would be easy to point out rebellions, such as that of the Santáls, which arose solely from not recognising the local facts, and from attempting to force what was a wise and just law or procedure in one part of the country, on another part in which it was neither just nor wise. Such rebellions were easily enough suppressed. But they brought misery into thousands of households whose one crime was that they did not find it possible to continue to live under the new conditions thrust upon them. Our suppression of an insurrection was often but the first step, as in the case of the Santáls, to a readjustment of our administrative system, with a view to suit the actual facts of the people. If risings of this sort have ceased, and they have happily ceased under the British Rule, it is because the necessity of studying the people has become more fully realized, and the necessity for legislating according to the individual requirements of each Province is more swiftly and more surely acted upon. But before any usage can be stereotyped into a law, a considerable period of inquiry and discussion must elapse; masses of con-

flicting evidence have to be sifted, and it is often doubtful whether a custom or right, although actually existing, possesses sufficient elements of vitality or permanence to justify its legislative recognition. In this, as in a hundred other matters, the District Officer has still a wide area for his private discretion. No conclave of lawyers, sitting in Calcutta or Simla, however great their ability or their zeal, can foresee and provide for the circumstances which daily arise amid two hundred millions of people of many religions and tongues, and representing every type of human advancement, from the leaf-wearing tribes of Orissa, who a few years ago were persuaded for the first time to gird their women with cotton cloths, to the landholders of the Húgli Valley not a hundred miles distant, whose sons read Theodore Parker, and who employ every resource of wealth and intelligence to enforce and to extend their rights.

Mr. Stephen has spoken of the interest, promptness, and decision which Lord Mayo brought to bear on the work of legislation. The truth is, that no one can be so deeply impressed with the need of legislative activity, or so fully appreciate the labours of the eminent law makers whom England has sent to India since the Government passed to the Queen, as one who has studied the facts of an Indian District, and has, in this way, become practically acquainted with the wide area which still remains for the private discretion of its ruler. Let the laws be ever so perfect, and the more perfect they are made the better for the District Officer, there will still remain in India

a vast scope for personal influence in the government of men. No one who has seen the facts with his own eyes is likely to underrate the need of such influence at the present time. Indeed, the danger for the moment is that, in the well-founded but newborn appreciation of law, men are apt to think that they can use what is in India an imperfect, although a valuable, weapon, as the sole instrument of government. Any one who watches the decisions of the Superior Courts in appeal, or who has done a few months' work in the Indian Secretariat, cannot have failed to notice that bad District work now proceeds as often from an ignorantly mechanical administration of the law, as either from unacquaintance with its provisions or from disrespect to its authority.

Several cases of this blundering mechanical government came before Lord Mayo during his Viceroyalty, and he spoke out his mind plainly about them. In a private letter to an esteemed friend he gave a humorous illustration of his views. 'In the present state of India, whether his lot be cast in a Regulation or Non-Regulation Province, an officer who disdains or considers it wrong to use the personal influence which is placed within his reach over the people committed to his care, neglects the very first and most important part of his duty. It is not to legality in the abstract that I am opposed, but to legality as I believe it works in many Districts in India, when I say, "Oh, legality, what oppressions are committed in thy name!" I do not denounce the reign of law, but the neglect of personal influence, carelessness in

administration, and that absence of authority which might often curb, and even prevent, oppression. The administration of good law by wise men is but the embodiment and exercise of common sense in its best form. The frustration of justice by the constant exercise of a legal technicality is the exhibition of human folly in its most obnoxious form. This brings to my mind a story of a late judge, who was a great humorist as well as a profound lawyer. At the county assizes a very poor man, an agricultural labourer, was indicted before him for beating his wife, who had run away from him, and was living with some one else. It was before the passing of the law of divorce, and the judge addressed him in the following words: "Sir, the law and the courts of a free country are open to you. You should have first commenced an action against this ill-conditioned woman in the Ecclesiastical Court. This would have cost you £400. If you had been fortunate enough to engage the services of an honest attorney and an able lawyer, you might have obtained a sentence of divorce *a mensâ et thoro*. But you could not marry again, and it is not certain that you would have been placed in possession of your children. If you wished to go further, and to obtain a divorce complete, and you had £500 more to dispose of, you might have gone to the House of Lords and got a Bill through Parliament which would have made you a free man, and enabled you to marry again. I can offer you no relief. The law is open to you. You have nothing to do but to take advantage of its privileges; and if,

after the explanation and advice that I have given, you say that in this England of ours there exists one law for the poor and one for the rich, you will be guilty of libelling the constitution of your country. And your sentence is, that you be imprisoned for this day only during the sitting of the Court."' Mr. Fitzjames Stephen's anecdote of the high civil administrator to whom it 'was quite a new idea that the law can be anything but a check to the executive power,' reveals the follies and imperfections of Indian legislation in time past, with an emphasis scarcely less bitter than that of the English judge.

Notwithstanding the legislative activity to which Lord Mayo lent his earnest support, and which forms so marked a feature of his Viceroyalty, he perfectly realized the necessity of personal influence and a wise use of private discretion on the part of the local administrators. He learned, by contact with the local facts, that the Indian Statute Book is not yet co-extensive with the customs and usages throughout India, which have, and which, according to our solemn pledge of conserving native rights, ought to have, the force of law. He found, even in matters of procedure, the department of Indian legislation in which the greatest advance to completeness has been made, that some of our provisions are as unsuitable to backward or outlying parts of the country as was the English form of arrest on mesne process to the Provinces of Bengal in the time of Warren Hastings. 'My whole desire,' he said on one of his tours, 'and that of those with whom I am associated in the rule'

of this great Empire, is to make the government suitable to the wants of the people.'

He did not think that this could be affected by a mechanical enforcement of general principles, irrespective of the local facts. 'I have long been of opinion,' he wrote with regard to the frontier on which his policy obtained its most conspicuous success, 'that the settled forms of law are still unsuited to certain Districts of India, and it is mere pedantry to attempt to rule, by ordinary legal procedure, people who are beyond its influence.' He had to deal with more than one case in which grievous calamities resulted from the want of personal influence on the part of a local officer. 'I can come to no other conclusion,' he wrote in a Viceregal minute, 'but that the unfortunate occurrence at ——, and the assassination of some of our soldiers, are the direct consequence of errors in administration and defects of system. The defects in the system are clearly set forth in the papers, and my recent visit to the frontier has enabled me to corroborate them.' Lord Mayo goes on to describe the errors in administration as arising from want of an adequate knowledge of the character of the people, ignorance of their language, a needless routine of paper work, and from the British functionaries spending their time in the seclusion of their offices, instead of receiving, conversing with, and influencing, the chiefs and the people. 'I am in hopes,' he concludes, 'that a number of the defects in the system may be cured, but no real improvement will be effected until we can restore to the frontier

that class of officers by whom its wild districts were first brought into subjection—men who, by constant association with the people, perfect accessibility, and a thorough knowledge of the language, will be able to establish friendly communications with the inhabitants; men who will know when to punish and when to forgive, and will be able to teach these people, that while the British Government will aid them in any effort they may make to sustain themselves by peaceful industry, it will exact sudden and severe retribution for flagrant and unprovoked crime.'

In a matter which came up from another Province, where the District administration had got out of hand, Lord Mayo wrote: 'I think that a strong letter should be written on this case. I am inclined to believe that it is not want of money, but want of efficiency and proper administration, that occasions this lamentable increase and non-detection of crime. I am also inclined to think that the next experiment which it would be desirable to try, would be a change of officers. This, however, need not be said at present.'

If Lord Mayo's acquaintance with the facts of the Local Administration, and with the degree of efficiency which he had a right to expect from it in each Province, sometimes led him to make severe strictures, it also enabled him to know when good work was being done. Cases constantly come up to the Government of India in which the Provincial Governors desire the retention of some individual officer in a post beyond the period allotted to him by the

general rules. Thus, military officers are entitled to hold staff appointments for only five years under ordinary circumstances, and the age of 55 is their limit of employment in the Civil Departments. When such applications were made, Lord Mayo exercised much vigilance before granting his consent, and his knowledge of the local results achieved by the various Provincial Administrators often enabled him to sternly frustrate a job, or to reward real merit. The following Note from his pen, in the case of a distinguished administrator whose ordinary term of service had expired, but whom the Provincial Government desired to retain, discloses the attention and personal knowledge which Lord Mayo brought to this part of his work:—'I am glad that my hon'ble colleagues, Sir John Strachey and General Norman, have given me an opportunity of expressing my opinion on this case. Having had the good fortune to spend a fortnight in daily communication with the officer in question, and having taken much pains to inform myself on everything connected with his District, I can, from personal knowledge, confirm every word that has been said by Sir John Strachey. When I stood upon a hill point over the road leading to ——, and looked down upon the vast clearings which, by his exertions and influence, had been made in the forest—when I saw the tracts of wilderness which he had turned into fruitful fields —when I saw that by this process he had converted a large number of the miserably poor and lazy hill population into comfortable and industrious cultivators of the rich soil of the plain—when I saw the

canals that he had made with little or no professional assistance—when, riding through the District, I saw everywhere symptoms of the affection and admiration with which he is regarded—I am not overstating the case when I say that, as it at present exists, the influence and authority exercised by —— in —— is the greatest living instance of what personal rule can do in India. No one but himself could continue precisely the system which he has carried out with so much success, and it appears to me that it would be unwise to allow any rules or regulations, however good, to shorten by a single year the state of things which his judgment, courage, and energy have established in these hills.' The advanced age of the officer in question having been objected to, Lord Mayo continued: 'I walked and rode with him for many miles last year, and I believe that at present there are very few men in India who could keep up with him either on foot or on horseback. I know that his influence, instead of waning, is gradually extending itself, and the fruits of his good work will be much more felt by the children of the present generation than it is now. I would therefore be inclined to say that, as long as —— enjoys health and strength, and wishes to remain, it is the duty of Government to keep him; nay, more, to offer him every inducement to stay.'

People have sometimes wondered why the Earl of Mayo was so beloved by Indian administrators. The above minute, written in the secrecy of the Viceregal Cabinet, and never intended at the moment for any

eye but that of the Member of Council who had immediate charge of the case, suggests the explanation. The truth is, that Lord Mayo bestowed the same earnest thought on the personal aspects of his internal administration as he did on the more conspicuous paper side of it. He looked upon the local administrators as honoured instruments, and not mere tools. He took the trouble to study them in the concrete, to understand their views, and to conciliate their affections. It fell to his lot to carry out a great series of retrenchments, which darkened the prospects of many Indian officers. No Viceroy ever subjected his personal popularity to so severe a strain, both among the civil and the military servants of Government, by rigidly enforcing financial reforms. And no Viceroy has left behind him a memory more respected and cherished by Indian administrators.

At the same time, he most carefully avoided anything like favouritism in the disposal of patronage. He made men his friends and companions, but never his confidants. No ruler has ever kept his private likings and his public duty more clearly distinct. A large proportion of the appointments within his gift he left to be settled in the department through which the correspondence takes place; in others the nomination comes direct from the Provincial Government, and the function of the Governor-General is merely to accord his approval; in a third and most important class, namely, the appointment of Lieutenant-Governors, the Viceroy must demi-officially ascertain the views of the Secretary of State prior to appointment; in a

fourth, as in the case of members of his Executive Council, the Viceroy recommends demi-officially, while the Secretary of State appoints. In almost all, the Viceroy carefully consulted with the Member of Council in charge, or the head of the Department concerned. Lord Mayo insisted on knowing the exact procedure to be followed in each case. Shortly after he came to India he ordered a confidential schedule to be prepared, showing every appointment within his gift, and the Departmental or Provincial Chiefs who ought to be consulted. In appointing, he rigidly went through each one of the official steps thus indicated. The Department to which the appointment belonged was responsible for stating the claims of the officers fitted for it. These statements were then examined by the Private or Military Secretary to the Viceroy. When their completeness had been ascertained, the Viceroy considered them, generally in consultation with the Member of Council or the responsible Secretary to the Government of India in the Department concerned. His personal acquaintance or unacquaintance with a man never entered into his calculations in arbitrating between the claims thus authoritatively drawn up. He was sensitively alive to the danger of letting his private attachments interfere with the rights of men personally unknown to him. His object was to get the best man for each post within his gift. To this end he addressed a letter to Chief Commissioners and the principal administrators in the Foreign Department, directing them to furnish statements of their subordinate officers'

services, by means of which he might know the exact fitness of each man at his disposal for any individual post. He ordered all recommendations to 'be accompanied by a statement of the age, character, and qualifications of the nominee; his knowledge of the native languages, customs, and the codes; and in the case of an officer recommended for promotion, by a similar clear statement of his past services and general ability.' Notwithstanding the personal knowledge he gained of men upon his tours, his Private Secretary writes to me, 'he never made an appointment without first considering on paper the services and claims of all the officers, however numerous, recommended or qualified for it. I can bear personal testimony to this fact, for nothing gave me more trouble or anxiety than to lay the services of each one of them before the Viceroy without favour or affection, and to keep up a clear record of such services at times when my office was almost overpowered with other work.'

'My only desire,' wrote Lord Mayo himself to a friend, 'in discharging this most responsible part of my duty, *i.e.* the selection of men to fill either the lowest or the highest offices of the State, is to find the ablest, the wisest, and the best. Though I have, I hope, many friends and few enemies, I have no favourites. I cannot consider personal interest or feeling when the good of the public service is involved.' Among the more private letters which have come into my hands are several in reply to persons, sometimes in high station, who thus attempted to make interest for their friends. He plainly told them that such exer-

tions were calculated to defeat their object. 'If Captain —— behaves well, and is favourably reported on,' he wrote in reply to an application of this sort, 'he is very likely to get his promotion before long. But he has got six or seven people to write for him, which is the only thing I know against him.' Another officer fancied that to come to Simla and hang about Government House would bring him into notice. Lord Mayo took occasion, through a third party, to recommend his young friend to return to his own sphere of duty, and to work quietly within it. He stedfastly refused to hear of any one's merits except from those whose proper business it was to know them.

I now pass from the personal aspects of Lord Mayo's internal administration to the great measures which mark his career.

'I have only one object in all I do,' he wrote to a friend. 'I believe we have not done our duty to the people of this land. Millions have been spent on the conquering race, which might have been spent in enriching and in elevating the children of the soil. We have done much, but we can do a great deal more. It is however impossible, unless we spend less on the "interests" and more on the people.' 'In the consideration of all these matters,' he said on another occasion, 'we must first take into account the inhabitants of this country. The welfare of the people of India is our primary object. If we are not here for their good, we ought not to be here at all.'

These words form the key to his internal policy. He thought that his Government should do more for

the advancement of the people, and that it ought to find funds for administrative improvements, not by increasing the revenues, but by a more rigid economy in spending them. I have shown how his schemes of military reform simply resolved themselves into an effort to get an equal amount of efficiency in the army for a smaller outlay. His endeavours in the internal administration were the converse of this, namely, to get a greater degree of efficiency for the same amount of money. He thought we should provide more courts, more schools, more roads, more railways, more canals, and a better system of husbanding the water supply; and that we should pay for all these improvements by cutting down every rupee of expenditure not absolutely required for the purposes of efficient administration. It is needless to say that, starting from such principles, he condemned in unsparing terms anything like personal discourtesy towards the natives by the governing race, or infringements upon their rights. 'I must take this opportunity,' runs one of his minutes, 'of expressing my opinion as to the abominable practice of striking natives. It is a cowardly and detestable crime, and ought, in my opinion, to be visited with the most severe censure and punishment.' But, indeed, he never lost an opportunity of inculcating, both by example and precept, the duty of kindness towards native servants, or to the lower classes with whom he came in contact, and of marked courtesy on the part of all English officers to native chiefs and gentlemen. With regard to more serious infringements of native

rights, he wrote in another minute: 'I have come to the conclusion that in many respects we are going too fast. That, with the best intentions, we are introducing institutions among the people which, however suitable they may be to some future time, have the present effect of setting whole populations of the remoter Provinces against us, and raising up feelings of enmity towards us as their rulers. I have lately observed this, for example, as the direct consequence of the action of the Forest Department upon some of the aboriginal tribes of the *tarái*, and among the inhabitants of certain hill tracts.'

While, therefore, the Earl of Mayo believed that many administrative improvements had become incumbent on the English rulers of India, he set his face against the merely mechanical importation of English ideas or institutions, and the forcing of them upon the people. His internal policy divides itself into four great branches. He first took up the task of finding the funds for his improvements by a more rigid economy in the administration, conspicuously of the great Department of Public Works. Having thus provided himself with the sinews of war, he directed his earnest attention, in the second place, to the more efficient protection of the people against the physical calamities which afflict a tropical country. These calamities arise for the most part from the want of means for husbanding and utilizing the water supply, and from the absence of any adequate system of internal communications for distributing the resources of the country, and thus rendering the super-

fluities of one Province available for the necessities of another in time of dearth. While endeavouring to strengthen the peasant in his struggle with nature, Lord Mayo also laboured to render him more independent in his relations towards his fellow-men. In the third place, therefore, he devoted much attention to education, and gave the vigorous support of his Government to schemes for placing it on a broader and more solid basis. In the fourth place, he considered that one chief source of our past errors and future dangers in India lies in our ignorance of the people. He therefore organized a system by which he hoped that the facts of each district throughout the Indian Empire would be accurately ascertained, minutely recorded, and rendered available alike to the officers of Government and to the public. After a brief narrative of his efforts in these four separate directions, I shall conclude the chapter by a summary of the miscellaneous measures of his Internal Government.

With regard to Lord Mayo's rigid financiership in the internal administration, I propose to select a single Department, and to exhibit his method of dealing with it in some detail. But his determination to allow not one rupee to be spent uselessly penetrated every branch of his Government, and appears in his supervision of every Province. He found, for example, that certain of the Provincial Governors had got into the habit of asking for more money than others to produce the same results. He insisted on knowing the reason of this, and to a large extent he succeeded

in checking it. One of his minutes may serve as a specimen. 'I do not see,' he wrote with regard to the sums required by the several Provinces on account of the International Exhibition of 1871, 'why —— is, as usual, to spend double as much as Calcutta, and four times as much as Madras. I should like to know whether it is supposed that —— will exhibit twice as much as Bengal, or four times as many things as Madras. I think, unless proper care is taken, the power of purchasing articles for this Exhibition is one that is very likely to be abused.' In the expenditure immediately connected with the Viceregal Office, he set a great example of economy to the Governors throughout India. He reduced his body-guard, and more than once gave up State ceremonials in order to save their cost. In this matter he was parsimonious of the public revenues and prodigal of his private income. 'The heavy deficit which occurred in 1869,' writes his Private Secretary to me, 'strengthened Lord Mayo's desire (which a local scarcity in Northern India had awakened) to forego the splendour and expense of a gathering at Agra, and to receive H.R.H. the Duke of Edinburgh in Calcutta, where the expenses would fall on his own purse.' He carried out this resolution, and on the Council subsequently proposing through one of its members to share in the outlay thus incurred, the Viceroy wrote: 'I thank you and my honourable colleagues of the Council for the very kind and thoughtful recommendation contained in your letter of to-day, and fully appreciate the motives which have prompted you to

recommend that £10,000, or such other sum as may be deemed expedient, should be added to the Darbár Fund' (the annual grant to the Viceroy for State Ceremonials) 'for the entertainment and reception of H.R.H. the Duke of Edinburgh. I have come to the conclusion that I ought not to allow any addition to be made to the Darbár Fund, or to my personal salary on this occasion. What is done now need not in any way bind my successors, who must take their own view of public duty. But you must allow me to take my own course in this matter, as I can assure you that if, by any act of mine, H.R.H.'s reception is made a source of pleasure to my friends and fellow-subjects in India, I shall feel more than rewarded.'

His fixed resolve to free the revenues from every charge not absolutely required for efficient administration made itself felt in all Departments. The net result was, that while the average expenditure of the two years preceding his rule exceeded 51¾ millions a year, the average expenditure during the two concluding years of his rule was under 48½ millions. He found the expenditure in 1868-69 at just under 54½ millions, he left it in 1871-72 at just under 46 millions; and the aggregate surplus of 4¾ millions saved during the three years of his administration very nearly redressed the deficits of 5¾ millions,[1] which had steadily accumulated in the three years which preceded it.

The Department which I select to illustrate his

[1] I here give the figures at the nominal exchange of 2s. to the rupee. For the details, see *ante*, p. 103. The year 1868-69 was an exceptional one, owing to changes of policy, especially with reference to the transfer of certain Military Works from the Extraordinary to the Ordinary Account.

economy in the details of administration is that of Public Works. This Department has an importance in India which the vigour of private enterprise happily renders unknown in England. The Government of India is an improving proprietor on an enormous scale. It succeeded to an inheritance which had sunk into an almost hopeless state of decay and neglect, and one of its most important tasks has been to put its estates in order. During the two years preceding Lord Mayo's accession (1867-68 and 1868-69) it had expended fourteen millions sterling upon Public Works. Of this vast sum twelve millions were for 'ordinary' works, and were supposed to come out of the current revenue, while two millions were on enterprises of a more permanent and reproductive character. Lord Mayo early came to the conclusion that some parts of this expenditure were not justified by the financial facts of the country, while others were wastefully conducted. 'You can hardly conceive,' he wrote to a friend during his first months of office, 'the extent to which the Military Works are being carried, and the palaces that are being built all over the country. I am for giving everything that can secure health and comfort to the soldiers, but I am inclined to believe that we are overdoing it in our barracks.' The truth is, that a 'palatial pattern' barrack, excellently suited to certain parts of Bengal, had been adopted for the whole country, without reference to the local necessity for so costly a model. Lord Mayo pointed out that the same expensive accommodation was provided for the healthiest station in the far

north of India as for the 'damp and sultry delta at Barrackpur, or on the burning plains which surround Allahábád and Gwalior.' Further inquiries led him to the conclusion that extravagant outlay was not confined to military works alone, but spread itself throughout many of the civil branches of the Department. He resolved to take the supervision into his own hands, and to be his own Minister of Public Works.

In carrying out this purpose he had to deal with two sets of difficulties. The first arose from sheer blundering, and from the incapacity of individual officers in the Department; the second from errors in system. The reforms which have taken place in the personnel of the Department, and the regular supply of specially trained civil engineers which the Cooper's Hill College now sends to India, will render it difficult a few years hence to realize the condition of things against which Lord Mayo had to battle. I do not think that I overstate the case when I say that, ten years ago, there was not a District Officer throughout India who did not regard the Public Works Department as the most wasteful and hopeless feature in the administration of his District. It was to no purpose that he put forth this view officially and unofficially with such power of utterance as was given to him. The Department formed a close corporation, and its officers supported each other against any outside complaint. These officers consisted of two classes, neither of which had had a professional training in civil engineering. It must be remembered

that I am now only speaking of the Department as it came within the notice of a District Magistrate. The first class was composed of commissioned officers of the army, many of whom, although not always belonging to the scientific corps, had an excellent acquaintance with military engineering. The second class was drawn chiefly from the private and non-commissioned ranks,—men who had picked up a smattering of knowledge, and many of whom lived well and made large fortunes out of an overseer's pay of two to three hundred a year. One seldom came across a regularly-trained civil engineer in executive charge of the works of a District; and the professional civil engineers, whom private enterprise had brought to India, for example on the Orissa Canals, were full of amusing anecdotes concerning their military brethren. The District Officer did what he could to reduce the waste by keeping his District Works and roads as much as possible in his own hands. The result was, that two sets of prices existed for almost every class of engineering labour in the District. The Magistrate paid one rate per thousand cubic feet of earthwork, the Public Works Department granted a higher. The same difference existed with regard to the cost of masonry, lime, timber, bricks, the metalling of roads, and every other outlay on District Works.

If this was the experience of individual District Officers, it may be well imagined how discouraging and distasteful was the task in which Lord Mayo soon found himself engaged. He surrounded himself, however, with able and zealous men who were quite

as determined to put down waste and to punish incompetence as he was himself, and who took care that the facts of each case should be thoroughly sifted and placed before him. The result is a long series of rebukes from his pen on extravagance and blunders of many sorts. 'There is scarcely a fault,' runs one of his minutes, 'which could have been committed in the construction of a great work, which has not been committed here. Estimates a hundred per cent. wrong—design faulty—foundations commenced without the necessary examination of substratum—no inquiry into the excess of cost over estimates during progress.' In another case: 'I have read with great sorrow this deplorable history of negligence, incapacity, and corruption; negligence in the conduct of every superior officer who was connected with the construction of these buildings from the beginning; incapacity to a greater or lesser extent on the part of almost every subordinate concerned; corruption on the part of the contractors.'

All walls built by the Department, however, did not fall down within a few weeks after they were put up. But in nearly every case, the cost of works was wont to exceed the estimate. Lord Mayo resolved to put a stop to this, not only by enforcing greater vigilance in framing the estimates, but by a most stringent inquiry into each item in which they were exceeded. Every day demands came up to him for further grants in excess of the estimates, for works in progress. One of his minutes on such an application runs thus: 'This is one of the most

flagrant and depressing cases that I have read for a long time. I fear there is no help but to agree to the expenditure, but it is little short of wholesale robbery, and most discreditable to every one concerned. No word is strong enough to condemn the utter recklessness of the whole proceeding. The building has leaped from an original rough estimate of £18,000 to an actual expenditure which will probably amount to £140,000 or £150,000.' Even criticism of this sort failed for a time to make some of the officers engaged on public works understand that the Viceroy was in earnest, and that they had found their master. Reports came up to him from Inspecting Officers, narrating in smooth official phrase the most disgraceful blunders, and suggesting censure of the euphemistic sort for the subordinates concerned. 'I wish,' writes the much-tried Viceroy in another minute, 'that the Department would drop the term "not free from responsibility" and use the proper one, which in my opinion ought to have been used long ago, viz. that so and so has been utterly unfit to carry out the construction of such buildings as those in which he has been engaged at a grievous pecuniary loss to Government, and to the disgrace of the Department.' In another case: 'It is difficult to find any specimen of this description of building constructed within the last few years by the Department, which is free from conspicuous and inexcusable faults—Allahábád, Ságar, Jabalpur, Nasirábád, the Calcutta High Court, the Murshidábád Palace, the Cawnpur Tannery, the Nágpur Bridge. These are only from memory—a memory

which I could disagreeably refresh. I shall bring the subject before Council. The time has now come for taking decided action in order to ensure ourselves against the continuance of such disgrace.' Elsewhere: 'I have read the report on the barracks. It is quite dreadful. There is not a man referred to who seems to have done his duty, except one who was unmercifully snubbed. This report will assist me in the reorganization of the Department.'

For the experience which Lord Mayo had by this time gained, led him to believe that nothing short of systematic reorganization would enable him to deal effectively with the evil. I shall not quote further from his Viceregal minutes with regard to the shortcomings of individual officers. The foregoing will show the trenchant method in which he dealt with them. He thought that in a Department which had cost fourteen millions sterling during the two years preceding his rule, he was bound to see that the individual officers were really fit to be trusted with so vast a fund, and to sternly visit cases of individual negligence, incapacity, or waste. But he also thought that he was bound to see that the system itself was not at fault, and to remedy such defects as he might discover in it. Wherever he went, his diary records his visit to the Local Public Works in progress, with minute criticisms, sometimes of a painful nature. But out of heart as he sometimes came away from such inspections, he was unwilling to condemn the individual officers hastily, and his eyes soon opened to the fact that the system itself was largely to

blame. In the first place, he found that the brain power of the Department was overworked. Inspecting Officers were held responsible for a larger area than they could give adequate attention to—result; want of supervision. In the second place, a series of vast works were scattered at one and the same moment over the whole country without corresponding additions to the staff—too great haste. In the third place, engineers were placed in executive charge of wide tracts, while the amount of correspondence and purely office work glued them to their chairs indoors, and precluded them from themselves overlooking what was going on outside—no personal management. Lord Mayo's visits to certain railway works under construction by private contractors, and about the same time to a building being erected by the Public Works Department, forced this last defect of the system strongly on his mind. At the private contractors' works he saw three European gentlemen, umbrella in hand and their heads roofed over by enormous pith hats, standing out in the hottest sun, and watching with their own eyes the native workmen as they set brick upon brick. In the building under erection by the Public Works he found only the coolies and bricklayers, without supervision of any sort. On inquiry, the engineer in charge pleaded office duties, the subordinate engineer pleaded the impossibility of looking after a great many works at the same time throughout a considerable District; and the net result was, that Government had to put up with loss of money and bad masonry. He exclaimed:

'I see what we want—good supervision and one thing at a time.'

He first attacked the abuses in the Military Works. One distinguished authority in that branch had pooh-poohed a proposal to 'break the uniformity of the (palatial) barrack plan for the object of saving one-third of a million.' 'If it were a matter of £100,000 instead of £350,000,' wrote Lord Mayo, 'it would be our duty to carefully consider whether, without impairing efficiency and interfering with the objects for which that plan was adopted, a saving could not be effected.' By degrees, however, he developed a scheme of reform much wider than that of mere economy in design. A resolution written during his third year of office, 1871, runs thus:

'The Governor-General in Council has had under notice several circumstances which render it desirable to reconsider the system under which the construction and repairs of military works within the Presidency of Bengal is now administered.

'In the first place, several discreditable failures in the construction of the new barracks have occurred. His Excellency in Council is disposed to believe, that had the design and construction of these works been entrusted to a selected staff of experienced engineers, these failures would not have occurred. With the extensive operations undertaken in 1864–5, and since carried out more or less to completion, it would hardly have been possible, or at least there would no doubt have been difficulty in carrying on works only by means of selected officers. But now that the press of

work is done, His Excellency in Council believes that such a selection can, and ought to, be made in view to the construction of the few important military projects which remain.

'The recent investigations that were made as to the extent of existing barrack accommodation in the plains, and the determination of the Government to place an additional number of European regiments in the Hills, have led His Excellency in Council to believe that it will not be necessary to commence any new barracks in the plains upon the standard plan. Thus, as the erection of new buildings is not contemplated, the labours of the Public Works Department in regard to building in the plains will, for the present, be devoted to the completion of the works already in progress, and to their subsidiary buildings.

'It is considered undesirable that a number of first-class Military Works should be carried on in different parts of the country at one and the same time. Rapidity of work has not been secured by this system, and it is considered better to place a full and highly qualified staff in superintendence of a few important Military Works, press them rapidly to completion, and then transfer the staff to whatever undertaking may stand next in order of importance.

'The remaining military projects occur under several different Local Administrations. It will be convenient, therefore, that the whole of the staff employed on such projects should be under one authority.'

The reorganization of the Department which he

thus initiated has borne fruit. A year after his death, Lord Mayo's successor, in speaking of these measures, declared that he expected 'that the changes which had been introduced will, as far as is possible, prevent the recurrence of failures in the construction of military buildings.' One secret of Lord Mayo's economy lay in his fixed resolve to borrow no money for works which, in reality, formed a part of the current expenses of Government. As I shall afterwards show, he believed that we are bound in India to undertake large enterprises for the protection of the people against famine, and that his Government was justified in borrowing for those objects. But his views regarding this obligation only made him the more careful to avoid anything like mixing up the cost of 'ordinary' works with those of a permanent and reproductive character. 'Any further increase to our debt,' he wrote, 'cannot be made without incurring danger of the gravest kind. I will incur no responsibility of this sort, and nothing will tempt me to sanction in time of peace the addition of a rupee of debt for the purpose of meeting what is really ordinary and unproductive expenditure. It is a policy which, acting on my own strong convictions, and in full concurrence with Her Majesty's Government, I am determined to reverse.'

The effect of his stringent principle of *first finding the money* for ordinary works before spending it, made itself felt throughout every branch of the Indian administration. He keenly felt the necessity for many costly works, but he insisted on the funds being saved *bonâ*

fide from the year's outlay before embarking on them. After taking the Department into his own hands in 1869, his first act was to issue a series of orders on the subject of framing proper estimates, and for the abolition of every useless appointment. These orders were as unpopular as they were necessary. His second act was to reduce the Public Works Grant by half-a-million sterling for 1869–70. His third act was still further to cut down this reduced grant by £889,200; thus finally leaving it for the first year of his administration (1869–70) at £1,347,204 less than for the previous year. In the next year of his Vice-royalty, he enforced further reductions amounting to £416,540 in the grant for 1870–71—making a total reduction in this branch of expenditure of nearly two millions, as compared with the average annual grants which he found at the time of his accession. I have not the means of checking these figures individually, but I give them as they have been furnished to me by the officer best able to speak on the subject; and the published Budget Statements exhibit similar results on a larger scale.

It should be remembered that the Earl of Mayo's retrenchments and reforms in the Public Works Department throw no discredit on his immediate predecessors. The transfer of the country to the Crown, and the more minute administration which it brought about, had disclosed the necessity for vast additions to the material framework of our Government. This necessity had been keenly realized by the preceding Viceroys, and they embarked on Public Works with

a vigour which gradually overstepped the revenue-yielding power of the country. What Lord Mayo did was not to deny the need of such undertakings, but to rigidly insist on their being carried out on a scale consistent with the solvency of the Indian Empire. His predecessors had found it impossible to create on a moment's notice a body of skilled engineers equal to the great series of works that were forced on their hands. The old official dislike to English settlers, which had once formed a political feature of the Company's rule, still lived on as a powerful tradition during some years after the country passed to the Crown. There was no local source which the Indian Government could draw upon for its civil engineers, and during some time it shrank from the experiment of throwing open Indian engineering to the profession in England. It had therefore to make the most of such skill and knowledge as could be spared from the scientific corps of the army. The disasters which resulted formed part of the long bill of costs that the Indian Government has had to pay for the word 'interloper,' as applied to non-official Englishmen in India, and for the traditions which that word left behind. While Lord Mayo was severely visiting individual incapacity, negligence, and acts of waste in India, a new generation of engineers specially trained for the country was growing up under the auspices of the Indian Government at home.

Having curtailed the expenditure in every detail compatible with good work, the Earl of Mayo directed his earnest attention to the more efficient

protection of the people against the calamities incident to a tropical country. In other books[1] I have delineated the perennial warfare which the Indian peasant has to wage with flood and drought. I have also shown how the want of means of internal communication rendered the distribution of the general food supply impossible, and forced each part of the country to depend upon its own harvest, cutting it off from help in times of scarcity, and reducing it to the state of a ship at sea without provisions. In certain Provinces each generation goes through life in peril of death by starvation. The Earl of Mayo found that his predecessor had done much to remedy this state of things. And he himself was resolved to do more. He believed that famine in India is not to be dealt with spasmodically, but ought to form a subject of continuous and effective measures on the part of the Government. During his Viceroyalty a great many proposals came up to him on this head. Certain Commissioners, for example, suggested something very like a poor-law, whereby funds might be raised by local taxation to afford relief during famine. Lord Mayo's note on this scheme runs as follows: 'Having been engaged all my life in the administration of a poor-law in one of the poorest countries in Europe, I may say that, though it is well adapted to deal with chronic pauperism, it has always broken down when called upon to contend against a great national calamity. In three years we borrowed eight

[1] *Annals of Rural Bengal*, pp. 26–56; 5th Ed. *Orissa*, vol. ii. pp. 174–199.

millions for the relief of distress which did not directly affect more than about 3½ millions of people,'—or just one-twentieth of the population of the single Lieutenant-Governorship of Bengal. 'I therefore dispose of the Commissioners' proposal in two words. First, that ordinary poverty in India does not need for its relief a poor-law system; secondly, that any sum which could be locally levied to relieve such famines as have from time to time occurred, would be ludicrously inadequate.'

But while Lord Mayo thus refused to have anything to do with a tinkering policy in dealing with famine,—a policy which would quiet the consciences of the rulers, without securing the safety of the ruled,—he believed that the British Government in India lay under a most solemn obligation to anticipate and prevent wholesale death by starvation. He believed also that that Government had in its hand the means for accomplishing this object. 'By the construction of railways and the completion of great works of irrigation,' runs one of his earlier notes, 'we have it in our power, under God's blessing, to render impossible the return of those periodical famines which have disgraced our administration and cost an incredible amount of suffering, with the loss of many millions of lives.' Lord Mayo looked upon a policy which permitted the recurrence of famines as an administrative blunder. He did not, of course, think that any individual Governor could be held responsible for the failure of any single year's harvest. But he believed that he himself, as Viceroy, would be committing a

crime against good government if, with the full knowledge that certain Provinces lay in chronic peril of starvation, and with ascertained means of securing them against it, he did not place them in safety.

The wayworn phrase, 'the development of the country,' had, therefore, to him a meaning considerably more distinct than it usually carries. He was anxious to do everything that he could to promote commerce, and to supply the material facilities, such as roads, railways, and harbours, which commerce requires. He perfectly realized, also, that a network of railways is a military necessity of our position in India. But his paramount duty seemed to him to be to the Indian peasant. 'In the consideration of all these matters,' he said, at the opening of the Khangáon Railway, in words which I have already quoted, but which recur so constantly in one form or another throughout his speeches and writings, that I may repeat them here, 'we must first take into account the inhabitants of this country. The welfare of the people of India is our primary object. If we are not here for their good, we ought not to be here at all.' The three weapons by which Lord Mayo came to the aid of the Indian population in its struggle against the physical calamities of nature, were roads, railways, and canals. During his rule, road-making was pushed forward with the utmost energy throughout India. But the same may be said of almost every preceding Governor-Generalship, and the credit of such works belongs to the District Officers or the Provincial Governments, not to the

Viceroy. I shall therefore confine my survey of Lord Mayo's policy of internal development to its two other great branches, railways and irrigation works.

On the Earl of Mayo's arrival in Calcutta, he found awaiting him an elaborate Minute which Lord Lawrence had lately placed on record regarding the past history and the future extension of Indian railways. The narrative which the great civilian Viceroy thus left for his successor was full of encouragement, but by no means one for unmingled self-complacency. From the end of 1853, when we had 21½ miles of railway in India, until the beginning of 1869, when Lord Lawrence left the country, about four thousand miles of railway had been opened. The engineering impossibilities, which had threatened the existence of the enterprise, had one by one succumbed to the persistent energy of individual Englishmen. A permanent way had been built over a vast delta, yearly subject to devastating floods. Rivers, never before controlled, had been bridged; and every difficulty arising from the extremes of heat, and from the corroding tooth of fluvial action, had been mastered. Nevertheless, Lord Lawrence recorded his conviction that the system under which these triumphs had been won could no longer be retained. The essential feature of that system was, that it made over the construction of the Indian railways to private Companies, with a guaranteed interest of five per cent. on the capital they might expend. Lord Lawrence came to the conclusion that this system acted in a wasteful manner,

and that it tended to land the Government of India in grave financial disasters. He showed that it would be not only more economical, but that it would also tend to the more satisfactory working of the railways, if the Government raised the fund requisite for making them by loan at the market rate, and secured the full value of it by a more direct control over their construction. He believed that in this way alone would it be possible to carry out the five or six thousand additional miles which then remained to complete the railway system of India.

This was the basis from which the Earl of Mayo started. He found that the average cost of the Indian railways, under the guaranteed system, had been about £17,000 a mile, and that the total debt with which the six thousand miles to be done under that system would saddle the country, would exceed £100,000,000. The loss which the Government had yearly to make good in the shape of guaranteed interest already came to about 1¾ millions. Further inquiries revealed to Lord Mayo, in a still clearer light, both the evils of the system and the difficulty of supplanting it. He found, in the first place, that, while bearing the justly honoured title of 'private enterprise,' it possessed none of the great essential advantages of a private undertaking. There was no incentive to economy in outlay under a method which guaranteed five per cent. to the public, on the same security on which that public was willing to lend at under 4½ per cent. For, both in its railway loans and in its public debt, the security was the solvency of the

Indian Government. Yet each ten millions borrowed for railways cost the Indian taxpayer from £50,000 to £100,000 more than if the money were raised in the open market as a loan. Nor did the system possess the advantages that arise from the personal energy and control which we are rightly accustomed to associate with private enterprise. The Indian Government had found by experience that, in order to prevent unnecessary outlay, it had to watch every step taken by the Companies. This entailed a costly department of inspection to represent the interests of the Government, and thus led to a double authority, divided counsels, delays, and differences of many sorts. As Lord Mayo himself said in the Legislative Council, if India had continued to make her railways at anything like the expense of the existing lines, she would have found herself, in the course of the next twenty years, saddled with from three to four millions of interest per annum to be paid out of the ordinary revenues. He came to the conclusion, therefore, that 'it was impossible to go on making railways in India at such a cost, and that it would be better to abandon the further construction of new lines than to follow a policy which must lead to financial difficulties of the most serious and dangerous character.'

In the second place, Lord Mayo discovered that the guaranteed system not only involved a needless outlay in the construction of Indian railways, but that it very seriously complicated their management. On the one hand, there was a great body of professional railway engineers, justly proud of their practical skill,

and who looked to the Railway Company as their master. On the other hand, there was a costly supervising staff and an enormous Railway Department, chiefly consisting of military officers, who 'represented the interests' of the State. The theory seems to have been, that the interests of the Government could not be identical with the interests of the Railway Companies, and that two sets of establishments were therefore required to watch each other. The Indian taxpayer paid for the whole.

It was not, however, merely a question of expense. The responsibility was divided, and when a breakdown took place nobody was to blame. Lord Mayo got on well with practical men, of whatever sort. There was never a Viceroy who has had a more genuine regard for the railway staff in India, or who was repaid by them with so much personal popularity. But he found the double system of management a source of many sorrows. 'Mr. ——,' he says in one of his minutes, 'admits that the Railway Company's agency is not competent "to ensure rapidity of despatch and absolute punctuality in delivering consignments, thus enabling merchants to engage freight before ordering down consignments, and so to save the heavy cost of carriage into Calcutta and warehouse charges there." All that I can say is, that if the agency cannot effect this, the first object of railway management, and which has been fully carried out on every well-managed railway in the world, the question will arise whether they are fit for their places. At all events, the Government of India are not going to

impose taxes upon the people of this country because the agency of the Railway Company are unable to ensure rapidity of despatch and punctuality in their transactions. Perhaps if they consulted Mr. ——' [the efficient head of another of the many departments], 'he might show them how these first requisites of railway management might be secured.'

One gentleman, indeed, had discovered that it would be dangerous to allow the railways to become really efficient, lest they should discourage river traffic. On this Lord Mayo remarked: 'Colonel —— is mistaken if he supposes that the Government of India is going to manage these great affairs upon any other than commercial principles. We intend to attract as much traffic as we can to our railways. When he says that we are to tax the people of India by keeping down traffic returns, because we may dread the railway leaving us without the alternative of carriage by water in certain military contingencies, he seems to adopt principles which are incompatible with railway extension in any country. It almost sounds like a reproduction of the arguments which were used against the railways forty years ago, and which are well described in the life of George Stephenson, who had much difficulty in overcoming the friends of the foot posts, mail coaches, and canal boats.'

In some, but happily not in many, cases the mismanagement penetrated deeper down, and outside complaint had proved unavailing. 'I wish for ——'s opinion,' he wrote in such a case, 'upon the grave instances of obstinacy, corruption, and neglect of all

local opinion and suggestions, that are to be found in these papers. The dishonesty of the subordinates, their ignorance of the language, their contempt for the comforts and habits of the people, are things which are now placed beyond a doubt. I intend to check them if I can.' In another case, the public having long complained of the absence of mechanical appliances for reducing the danger of railway travelling in the hot weather, and certain well-considered suggestions having been disregarded, Lord Mayo wrote: 'I have no hesitation in saying that I think the —— authorities have shown a disregard to the interests of humanity, and a great want of that ingenuity and engineering resource which might have been expected in so accomplished and so experienced a body of men. Draft a letter, and let me see it.' He also went into the complaints of the native passengers,—complaints which a certain officer had dismissed with the remark that the natives were as well protected from the sun in a railway carriage as trudging along under their umbrellas, or when travelling by the rude coaches, or boxes upon wheels known as *dák gháris*. 'I am not at all satisfied,' writes Lord Mayo, 'that the comforts of the third-class and native passengers are properly attended to; and the remarks of —— in this respect with regard to umbrellas and to travelling by *dák gháris* are quite unsuitable. Natives seldom travel in the hot weather during the day, except by train. They are packed much more closely in third-class carriages than in their ordinary modes of conveyance; and because a man is broiled

in a *dák ghári*, that is no reason why he should be roasted in a railway carriage.'

But perhaps the gravest, and certainly the most universal, cause of complaint at that time was the corruption of the native subordinates along the line. Every Magistrate through whose district a railway passed was aware that the local merchants had to pay a petty bribe to some railway underling for every bale of cotton or score of rice-bags that left or arrived at a station. He was generally powerless to put down these frauds, for the native merchants refused to come forward, and preferred sending off their produce by river or road, to appearing as prosecutors or witnesses in a Criminal Court. The railways being thus unpopular with the people, various excellent reasons were forthcoming to show why the traffic receipts were so small, and why the burden of $1\frac{3}{4}$ millions on the Indian taxpayer, to make good the annual loss upon the railway operations, could not possibly be reduced. Lord Mayo, after a long investigation of such arguments, sums up: 'There is much in these papers which shows that other causes are at work, affecting most injuriously our traffic receipts, and that we should be prepared to deal in the most trenchant manner with the numerous instances of blindness, impolicy, ignorance, and mismanagement which are here detailed. So long as the —— Railway continues to conduct its business regardless of the competition to which it will always be liable, regardless of the feelings and habits of the natives,—so long will the natives of India continue to be unnecessarily taxed.'

The Earl of Mayo set himself, therefore, to practically carry out that change in the railway policy of India which Lord Lawrence had sketched. In this great work both the Viceroys had as their chief adviser General Richard Strachey, and to him, more than to any other single man, the reform is due. Under the old system, to use the words of the Duke of Argyll, 'the money was raised on the credit and authority of the State, under an absolute guarantee of five per cent., involving no risk to the shareholders, and sacrificing on the part of Government every chance of profit, while taking every chance of loss.' Under the new system, the Government now borrows its railway capital at four per cent., and thus makes an initial saving of £100,000 a year on every ten millions. Under the former system there was a double management, and the cost of construction averaged about £17,000 per mile. Under the new system there is a single firm control, the Government gets its work done by contract at the lowest market rates, and the cost of construction on the narrow-gauge State Lines is less than £6000 per mile. The work actually done under the new system may be briefly stated thus :—Excepting a few isolated, short sections, the State Railways date from Lord Mayo's Viceroyalty, and indeed their active prosecution was not commenced until the later years of his rule. By the end of 1871, nine hundred miles of State Railways had been put in hand; a nearly equal length has since been started, making about eighteen hundred miles in all. Of these, close on seven hundred miles had been

opened for traffic in a little over three years, from the end of 1871 to the beginning of 1875. The general progress of Indian railways under Lord Mayo's rule may be gathered from the fact that, while the sixteen preceding years had left a total of 3946 miles open at the end of 1868, the end of 1871 left an actual mileage of 5073¼ miles. The mileage of Indian railways increased by more than twenty-five per cent. during his three years of office. While, therefore, the Earl of Mayo inaugurated a new system of railways for India, he vigorously carried forward the schemes which he had inherited from his predecessors.

The comparison between the cost of Guaranteed and of State Railways as above given is not, however, quite a fair one. For although it accurately states the expense of the two systems to the Indian Government, it compares lines of different intrinsic value. The Guaranteed Railways were made on the 5 feet 6 inch gauge, or nearly a foot broader than that of the English lines. Several of the State Railways have been made on a narrower gauge of 3 feet 3 inches. Their permanent way is less solid, their rails and their rolling stock lighter; and a large part of the saving is due to these causes, irrespective of their more economical construction. The change thus effected in India, from the old 5 feet 6 inch gauge of the Guaranteed Railways to the new 3 feet 3 inch gauge of the State Railways, has been very fully discussed by engineers and others better qualified to speak of it than I am. I therefore do not venture on any remarks of my own, but merely reproduce as briefly as possible

Lord Mayo's personal view of the subject. It should be remembered, in the first place, that Indian traffic is of a much lighter character than English traffic, and that the facilities of water transit afforded by the rivers will compel the railways to carry at low rates. In the second place, that the lightness of the narrow-gauge railways is believed by Indian engineers to be adapted to the lightness of the produce to be carried; and that their comparative cheapness of construction will enable them to carry it at low rates.

'I have no doubt,' wrote Lord Mayo to a friend, 'that our decision on the gauge will be very much attacked. The alternative as regards India is this, *cheap railways, or none;* and I would rather do without railways altogether than incur the future risk of that annual increase of expenditure, and consequently of taxation, which I have stopped, and which is our only real danger in India.

'It is true that the people are lightly taxed, and so they ought to be. We are an alien power ruling at enormous disadvantages, principally by the force of character and by administrative skill. As long as the natives of Hindustan believe that whatever power might follow us, Native or European, will tax them more heavily than we do, we are safe. Should the other feeling prevail, we shall lose our hold on the country. There is no real patriotism in India. The great mass of the Hindus have always been accustomed to be ruled by a Foreign Power. If the Foreign Power is just and wise, it is the form of government that suits them best. In our circum-

stances in India, we cannot therefore dig too deeply into the people's pockets. Therefore, I say, let us have railways that will pay, or nearly pay; or no railways at all, if their effect will be to add £100,000 or £150,000 every year to the permanent burdens of the State.

'But we can make railways that will add little or nothing to the burdens of the State; and we can also make railways at £5000 a mile that will not only pay, but do all we want. I have no hesitation in expressing a most decided opinion on this matter, and in fighting for it. It is not either a commercial or an engineering question. It is a question of financial policy, and one of which I am better able to judge than the merchant or the engineer. The 3 feet 3 inch gauge will give us all we want for years, and will save us hereafter from financial and political difficulty.'

After the final reconsideration of the question, he thus summed up: 'With regard to the break of gauge we adhere to our former opinion. We do not believe that, for many years, we can hope to obtain any amount of traffic that would justify the extra outlay of £2000 a mile for standard gauge; and, further, we feel that if we do not adopt a narrow gauge *now*, all hope of getting cheap railways for India would be closed for ever. I believe the evils of the break of gauge on long lines, where light traffic can only be anticipated, are exaggerated; that as far as native passenger traffic is concerned, no evil whatever will result; and that as regards corn, oil-seeds,

coal, and salt, the inconvenience will be small, and the expense of transhipment will hardly exceed the cost of twelve miles of haulage. For the carriage of soldiers and horses there will be no difficulty, as after long railway journeys they must eat and rest, which they can always do at the change. There will undoubtedly be some difficulty as to munitions of war and all military stores, but it would be absurd to suggest that we should spend two millions of money for this object only. What we should aim at is the provision of such railway communication as will provide for present wants, with a power of such an increase as will give facility for considerable augmentation if it is hereafter found necessary. This, I believe, we have done, and more than this we ought not to do.'

Nothing that I could say would throw any additional light on the merits of the question. But in the elaborate discussions which have since taken place among professional engineers in England, I sometimes observe that Lord Mayo's views have been misunderstood. Several of the disputants speak as if the Viceroy had proposed to make isolated sections of narrow-gauge lines, running in connection with the broad-gauge railways. Such a system would have involved transhipment at every junction, and no one was more sensible of its impolicy than the Earl of Mayo himself. 'We are not inclined,' he wrote to the Secretary of State, 'to acquiesce in the expediency of constructing short lengths of railways on a gauge different from that in common use. If narrow-gauge

lines are to have a fair field, they must be given a sufficient development to render the cost of shifting goods from their waggons to those of adjoining broad-gauge lines unimportant in relation to the freight for the average distances over which the goods are carried.' His scheme was to form a distinct system of narrow-gauge lines, working in connection with each other, and penetrating the great untapped Provinces within the trilateral formed by the broad-gauge railways. That trilateral had its three extremities at Bombay, Calcutta, and Lahore. Lord Mayo proposed that his less expensive narrow-gauge lines should form a subsidiary railway system for the comparatively poor tracts of Rájputáná and Central India thus enclosed—a system complete in itself, but touching the external triangle formed by the broad-gauge lines at convenient points.

The general plan thus briefly sketched has, to a large extent, been carried out. In the important line which ascends the Indus valley, military considerations have since been found to weigh heavily against a break of gauge, and the railway which forms the north-western side of the trilateral, and connects the Panjáb with the sea, is being constructed on the broad gauge. But the lines required for the internal subsidiary system within the great railway trilateral are now rapidly going forward on the narrower gauge. A very important one, connecting the heart of Rájputáná with the external railway system at Agra and Delhi, was opened at the beginning of the present year (1875). The net result is that, of the 1800 miles

of State Railways now in progress, 800 adhere to the broad gauge, while 1000 miles form the nucleus of the new system of narrow gauge State Railways.

The other great branch of reproductive Public Works in India are those which deal with the husbanding and diffusion of the water supply. And as in his railway policy, so also with regard to irrigation, the Earl of Mayo found carefully considered plans bequeathed to him by his predecessor. The Orissa famine of 1866 had forced the duty of preventive works upon the conscience of the Indian Government. Lord Lawrence had devoted much attention to this subject during the last years of his Viceroyalty, and Lord Mayo vigorously carried out such protective measures to their full development. 'There never was a Governor-General,' writes one of the present rulers of Northern India, 'who devoted greater attention to this subject, and there never was a time in which more was done than during his administration.' He found himself surrounded by Provinces in want of water. Even where the rainfall was itself sufficient, no mechanism existed for husbanding the supply, and the precious fluid which might have secured fertility throughout the twelve months, rushed off to the sea in a fortnight's destructive floods.

A bare list of the works which he inaugurated, advanced, or carried out, would weary the reader. The Ganges Canal was extended, and after seventeen years of deficit took its place as a work no longer burdensome to the State. A new irrigation system,

starting from the Ganges opposite Alígarh, and which will water the whole lower part of the Doáb from Farthígarh to Allahábád, was commenced. The eastern half of Rohilkhand and the Western Districts of Oudh were at the same time being placed beyond peril of drought and famine by the Sardah Canal. Similar works for western Rohilkhand were being carried out by a canal from the Ganges. Plans were prepared, and the sanction of the Secretary of State partially obtained for a project which would bring the waters of the Jamná to the arid tracts on the west of Delhi. While the Western Jamná Canal was thus to receive a vast extension, the Lower Jamná Canal was being pushed forward in the districts to the south-east of Delhi. Proceeding farther down the Gangetic Valley, we find works of equal promise being carried on from the Son (Soane) river through the Province of Behar—the province destined in 1874 to be the next Indian tract which was to suffer dearth. On the sea-board, Orissa (the province of Lower Bengal which had last passed through the ordeal) saw its districts placed beyond the peril that has from time immemorial hung over them, by a vast system of canals and the development of means of communication with the outside world. Still farther south, the Godávarí works were going forward. In the far west, projects for the drought-stricken districts of Sind were drawn up and investigated; while in Bombay, Madras, and other Provinces, many works of great local utility, although of less conspicuous extent, were initiated, pushed forward, or matured.

All this cost money. The irrigation projects in Northern India alone will involve a further expenditure of more than twenty millions sterling. Upon the single item of canals for Orissa, the Government, from December 1868 to December 1871, laid out a sum equal to the total revenue derived during the same period from that Province.[1] In another work I have discussed the dangers in which such projects are apt to land the finances of India. Thus, in Orissa, the cost of protecting the people from famine will amount to about two millions sterling, representing, at four per cent., an annual charge of £80,000, or half the entire land revenue of that Province. It is clear that, unless such works can themselves be made to pay the interest on their cost of construction, they will seriously imperil the solvency of the Indian Empire. Past experience, however, holds out but little hope of their being immediately remunerative. Many years elapse before the people learn to take the water. The strong conservatism of the Indian peasant, and his obstinate clinging to the ways of the past, give an innovation no chance. Moreover, before being able to profitably use the canal water, he has sometimes to execute a number of petty field-irrigation works, so as to adjust the levels of his ground. Even after the canal is made, he goes on, therefore, trusting to the chances of the rainfall, until suddenly a famine comes. Then, indeed, a rush is made upon the canals, and

[1] I here reproduce the facts given at greater length in chapter viii. of my *Orissa*, vol. ii., without being careful to alter the words.

thousands of acres are permanently irrigated from them. Meanwhile, during the long intervening years, the neglect of the husbandmen to use the water has disabled the canals from yielding a return on the capital invested in their construction, and forced the Government to levy the annual interest, together with the cost of keeping up the works, by some unpopular impost on the general taxpayer.

The case stands thus: Protective works on a great scale are admitted in India to be an absolute necessity to save the people from famine; and until they are constructed, the British Government goes in yearly peril of being called to witness the extermination of its subjects. After they have been constructed, the peasantry long delay to make use of them, and meanwhile their cost, both of construction and maintenance, has to be borne by the Central Exchequer. This was the difficulty for which the Earl of Mayo had to find a practical solution. No Indian ruler will hereafter be permitted to stand by and see his people starving by hundreds of thousands to death. Yet, in the present state of rural India, the Government cannot construct the requisite protective works without the risk of future insolvency. Lord Mayo thought he had found a solution for this problem in a compulsory water-rate. He, and several of the great administrative chiefs who surrounded him, held that a local community, for whose local protection a canal has been found absolutely necessary and has been made, should not be allowed to shift its cost to the shoulders of the taxpayers in distant Provinces,

who derive no benefit from it. That if the local community delays to take the water, it should nevertheless be compelled to pay the yearly interest on what is, in the strictest sense of the term, a local public work. Such a provision, they maintain, involves no more hardship than the liability of every householder in a town to pay the municipal water-rate, whether he takes the water or not. A compulsory rate of any sort is open to objections; but Lord Mayo endeavoured to render injustice to individuals impossible, by a careful adjustment of the burden between the owners and occupiers, and by stringent legislative restrictions placed on the collection of a canal cess. He provided that it should not be levied from the husbandmen until they had neglected to take the water during five complete years after it had been brought to their fields, and only in places where it could be proved that the cultivator's net profits would be increased by the canal, *after paying the irrigation rates.* He insisted that there should be a clear gain to the husbandmen from taking the water, before the Government should be permitted to charge him for it. So liberal a condition was never attached to a similar work intended for the local protection of a town against natural calamities. Science can only *presume* a benefit to the general body of citizens from water-works, drainage schemes, or other sanitary measures, for which municipal rates are charged; but before Lord Mayo would give the Government power to levy a canal rate at all, he insisted that the benefit to each individual should be absolutely *ascertained.*

These principles he reduced to the form of law. He passed a Canal Act for the Panjáb, by which the cost of a local irrigation work would be levied, under careful restrictions, by a compulsory cess from the husbandmen and landowners to whose fields the water was brought. 'We must,' he said, 'establish a system of irrigation and finance which will throw the main burden of the cost of these works upon the land that benefits by them. We must follow the same principles which have been adopted by all other countries in the world in which similar works have been constructed. Everybody seems to wish for irrigation, but many appear to desire that somebody else should pay for it. We must take such measures as will oblige the people whose lives are preserved, and whose wealth is augmented by these works, to contribute in a fair proportion to the cost of their construction.' 'If a work is not sustained by local resources, it can only be sustained by the enforced contributions of the general taxpayers. I ask, is it fair or right that works constructed for the exclusive benefit of the Panjáb or the North-West should be paid for out of the pockets of the people of Madras and Bombay. It was the early adoption of the principles which I now advocate that has led to the successful administration of the enormous sums borrowed from the State, or on municipal security, for agricultural, civic, maritime, and other undertakings in England. I believe that had England adopted the principle which has hitherto been accepted in India, that is, that the general revenues of the country were to

be made liable for improvements of a limited and local character, not only would the expenditure on these works have been most extravagant, but that the charge thrown upon the general revenues would have become so enormous that the construction of all such works would long ago have been arrested.'

The vast accumulation of debt requisite for the protection of the people from famine weighed so heavily upon Lord Mayo's mind, that he resolved to deal with such undertakings as an entirely distinct branch of Indian finance. 'I believe,' he once said, 'that unless the whole of our loans for reproductive Public Works (that is to say, the whole debt incurred for improvements of a remunerative character, such as canals or railways) is removed from the ordinary finance, you will find it impossible to continue these most necessary works on a scale commensurate with the requirements of the country. When we see that the cost of the ordinary administration is such that it can hardly be defrayed out of ordinary revenue, it is plain that we cannot add indefinitely to the interest on our debt for reproductive works without dangerously crippling ourselves in respect to our military defences, the administration of justice, the spread of education, and many other objects essential to the safety and progress of the country.' Lord Mayo desired, therefore, that the whole charge of such works should be kept apart, and that the whole profits derived from them should be applied to discharge the debt thus incurred. He laid it down as a fundamental principle of the policy which he desired to

introduce, 'that until the entire debt upon all such works had been cleared off, the income received from them should not be considered as part of the resources of the year, or applied to reducing taxation.' A letter, which still remained in draft at the time of his death, advocated a definite public statement, 'that we shall borrow money for a special class of works on the security of the revenues, but on the understanding that the loan shall be repaid from the first earnings of those works.' He believed that 'the only possible security against' indefinite and disastrous accumulations of loans for such works, 'is the absolute hypothecation of the income to discharge the capital debt.' 'To carry out this determination,' writes one who was in constant consultation with the Viceroy on the subject, 'Lord Mayo desired to constitute a special body of Commissioners, at least one of whom should not be an officer of the Government, whose duty it would be to certify, as an independent Board of Audit, "with the public as witnesses," that the sum raised for the construction of Public Works had really been applied, and repaid in strict accordance with the conditions under which the loans were made.'

It was objected that such a policy would fetter the future action of Government, in regard to the income derived from such undertakings. 'For my own part,' wrote Lord Mayo to a friend shortly before his death, 'I say frankly that I do desire to fetter the discretion of Government in dealing hereafter with receipts from reproductive works. I believe that the whole of the returns from these works should be kept apart from

the ordinary resources of the country, and' [after defraying the interest the loans should be] 'spent on providing for new works, and so avoid borrowing as far as possible. The whole of the returns would appear in the annual receipts of the State, as they do now, but the sums obtained in return for these works should go solely in aid of the loan expenditure of the year, and the Budget should be constructed accordingly. I have no hope of this ever being done unless a separate body is constituted such as I have always advocated, armed with powers entrusted to them by either the Government or the Legislature; and until such a course is taken, I cannot think that we shall be safe from the recurrence of those evils which, in respect to the cost of construction of these great works, have constantly arisen.'

In his irrigation policy, as with regard to his railway schemes, and, indeed, as in every department of his administration, Lord Mayo's sudden death left many of his plans unfulfilled. He lived long enough to carry out a certain number of individual measures, but not long enough to consolidate the carefully devised systems, of which they formed parts, into permanent administrative facts. Of his irrigation schemes it may be briefly said that the local undertakings to which he had given so much earnest attention have been vigorously carried out; that the compulsory canal cess, although passed into law by the Indian Legislature, was disallowed by the Secretary of State; and that the difficult problem of an entirely separate system of finance for reproductive works,

while daily making progress in matters of detail, has not yet obtained practical solution as a whole.

The Earl of Mayo felt, however, that the problem before him in India was not merely one of material development. The barriers of caste have done much to shut off one class from the sympathies of another, and to dwarf the growth of that local public opinion which, more than any written law, regulates an Englishman's conduct to his neighbours. In India, the powerful have always oppressed the weak. The village capitalist is there hated as the village usurer, and from time immemorial his life and property have been liable to be swept away in ebullitions of popular resentment. The British District Officer does not permit such ebullitions. He brings to trial the slayers of a Bombay *soukár*, a North-Western *baniyá*, or a Bengali *mahájan*, as ordinary murderers, and he hangs them. On the other hand, the British District Officer will not allow the native landholder to recover his rent by the summary process of imprisoning defaulting tenants in his vaults, or by tying them up on tiptoe by their thumbs to the wall. For the old processes of *agrestis justitia*, whether carried out by the rich or by the poor, we have substituted uniform Codes of Procedure for both. The powerful now oppress by due course of law; and the weak now evade oppression, or combine to ruin their oppressors, by a dexterous use of our Courts. The husbandmen of Lower Bengal have more than once shown that two can play at going to law, and that in a country of *petite culture* no landholder can stand

against a sustained conspiracy on the part of his innumerable tenants to withhold their rent. Such combinations, although occasionally threatened, are in practice exceedingly rare. In the ordinary course of rural life, our system of regular justice has immensely strengthened the hands of the educated and wealthy classes in the struggle which goes on in a densely populated country between the rich and the poor. At the same time our system of public instruction had, in some parts of India, supplied an excellent education to the opulent and upper middle classes at the cost of the State, and made scarcely any provision for the education of the masses.

The Earl of Mayo, soon after his arrival, was struck by the differences between the various Provinces of India in this respect. In Bombay, for example, he found schools sown broadcast over the country, and public instruction planted on a wide and popular basis. So, too, in the North-Western Provinces, he saw the indigenous hamlet-schools (*halkábandi*) carefully conserved, and proving their vitality, under the exact administration of Sir William Muir, by a healthy development in the character of their teaching. In Lower Bengal he found quite a different system pursued. High-class education flourished. The Calcutta University, with its central knot of able and distinguished professors, set the fashion to the whole schools of Bengal, and practically prescribed the teaching in a large proportion of them. The wealthier section of the community had educational facilities lavished upon them such as no other

Province of India enjoyed, and such as few market (I had almost said county) towns in England at that time possessed. The State tried zealously to discharge its duty in instructing the people, and it interpreted this duty to mean a high-class education for a small section of them. It devoted a very large proportion of its Education Grant to this object, and it obtained a striking and brilliant success. The 'Bengali Bábu' has become the recognised type of the educated native of Northern India. But the Bengal system of public instruction effected this triumph at the cost of the primary education of the masses. Its District and upper class schools rose on the ruins of the old indigenous hamlet-schools (*pátsálás*). If the parents of a youth were well off, and could afford to pay for his education, the State stepped forward to save them the trouble. But the indigenous agency of primary instruction received no encouragement. The village teacher (*gurumáhásay*) who, from generation to generation, had gathered the children of the hamlet into his mat hut, and taught them to trace their letters on the mud floor, found himself deserted by his paying pupils. He and his fathers had been accustomed to teach their little stock of knowledge to all comers of decent caste, and to live by the offerings of a few of their wealthier disciples. They had looked upon the instruction of youth as a religious duty, and regarded their office as a priestly one. But their faith was sorely tried under a system which swept off the well-to-do youth of the village to the Government school, and left only those who could afford to pay nothing

on their hands. Ten years ago the indigenous rural schools in Bengal were being crushed out, and although a stand was even then being made on their behalf, the system of public instruction of Bengal still sacrificed the teaching of the masses to high-class education, when Lord Mayo arrived in India.

Some of his earliest private letters deal with this subject. The Bengal authorities had not adopted their system without mature consideration, and they were perfectly prepared to defend it on logical and political grounds. Their basis was, of course, the 'filtration' theory of education. With 67 millions of people to educate, and an Education Grant of £186,000, or £2, 15s. 6d. per thousand of the population, any attempt at the primary instruction of the masses would swallow up the entire allowance, and leave results utterly insignificant. They preferred, therefore, to concentrate their efforts on middle, and especially on upper class schools, and so secure a sound education to a small but an important section of the people. The effect of this system would not, they maintained, be confined to the classes immediately benefited. It would 'filtrate' downwards, and, in the meanwhile, they had a tangible result to show for the money spent. It was much to be regretted that the peasantry of Bengal should sink into a sort of serfdom of ignorance, and that the ancient mechanism of rural education should fall into ruin while the process was going on. The practical result of the system was to arm the rich and the powerful with a new weapon—knowledge; and to burden the poor with

an additional dead weight of ignorance in the struggle for life.

'I dislike,' wrote Lord Mayo to a friend, 'this filtration theory. In Bengal we are educating in English a few hundred Bábus at great expense to the State. Many of them are well able to pay for themselves, and have no other object in learning than to qualify for Government employ. In the meanwhile we have done nothing towards extending knowledge to the million. The Bábus will never do it. The more education you give them, the more they will try to keep it to themselves, and make their increased knowledge a means of tyranny. If you wait till the bad English, which the four hundred Bábus learn in Calcutta, filters down into the 40 millions of Bengal,[1] you will be ultimately a Silurian rock instead of a retired judge. Let the Bábus learn English by all means. But let us also try to do something towards teaching the three R's to "Rural Bengal."'

The credit of turning these aspirations into administrative facts belongs to Sir George Campbell, the Lieutenant-Governor who ruled Bengal during the chief part of Lord Mayo's Viceroyalty. No one who is acquainted with Sir George Campbell's turn of mind, or who has seen his official utterances on the question, will doubt whether he was not perfectly strong enough to have initiated and carried out the reform without help from the Government of India. All that the Viceroy had to do was to give him the

[1] This was before the first census of Bengal suddenly disclosed the population at 66¾ millions.

political and financial support which the Supreme Government of India wields. Lord Mayo did this, and he dexterously opened the way for Sir George Campbell's educational energies at the very outset of his administration. The preceding Lieutenant-Governor, although not perfectly satisfied with the existing system, had not seen his way to making any radical changes in it. One of his last acts, therefore, was to reply to certain inquiries of the Governor-General in Council by a letter which practically maintained the *status quo.* The rejoinder to this despatch was postponed until the new Lieutenant-Governor should assume the reins. It was Lord Mayo's invariable practice to bring to bear upon every large subject the special knowledge which any member of his Government, whether old or young, Councillor, Secretary, or Under-Secretary, might have acquired during the course of his previous career, while engaged in the work of practical administration. In this case, one of the Under-Secretaries in the Home Department of the Government of India, who had formerly seen something of the actual results of public instruction in Bengal as an inspector of schools, was set to work. The whole system was analysed, and its deficiencies pointed out. A mild letter was then drawn up, requesting a further reconsideration of certain points by the Bengal Government, and expressing a solicitude to receive the new Lieutenant-Governor's views on the question. In India no Viceroy or Provincial Governor ever changes the policy of his predecessor; he only 'developes' it.

The reforms which followed mark a new era in the history of the Province. It would be impossible for me to enter on them here. Their net result, however, may be briefly stated. In 1870-71 the Department of Public Instruction was educating 163,854 children in Lower Bengal at a cost of £186,598 to the State.[1] In 1874, when Sir George Campbell laid down the Lieutenant-Governorship, he left 400,721 children being educated at a cost to Government of £228,151.[2] He had, in the interval, covered Bengal with primary schools; pieced together and resuscitated the old indigenous mechanism of rural instruction, and, without in any essential feature curtailing high-class education, created a *bonâ fide* system of public instruction for the people of the country.

Up to that period the missionaries had stood foremost, and for long alone among Englishmen, as popular educators in Bengal. This remark applies to missionaries of whatever denomination or nationality, European or American — Anglican, Presbyterian, Baptist, Wesleyan, Roman Catholic, or by whatever name they may be known in Christendom. Lord Mayo early realized this fact, and had given his earnest sympathy to those engaged in the work. Before his short rule closed, he was able, in recording his views on a missionary memorial, to state that the educational policy of the Government had in this respect become in accord with their own. 'I have

[1] Report by the Director of Public Instruction, L.P. for 1870-71, pp. 2, 3.

[2] Administrative Report of Bengal for 1873-74; Statistical Returns, cxi.-cxiii.

reason to hope,' runs one of his personal notes, 'that the desire which I expressed when I first came to India, namely, that no very long time would elapse before a serious and decided commencement would be made in the great work of educating the masses of Bengal, will now be realized.'

I have only space to touch on a single other point of Lord Mayo's educational policy. That policy, while, as above shown, founded on a basis co-extensive with the educational requirements of the whole people, left the special wants of no section of the community disregarded. He found, for example, that the Muhammadans of Bengal stood aloof from our system of public instruction, and were rapidly dropping out from among the educated classes. As a natural consequence, they fell behind in the race of life, and were being practically excluded from Government employ and the more lucrative professions, by the Hindus. He also found that the Muhammadans were intensely dissatisfied with this state of things, and that their discontent assumed in Bengal the form of active disaffection. A fanatical camp on the North-Western border of India, was fed by recruits and remittances from the Lower Provinces of Bengal. This camp stood as a permanent menace to our frontier, and had more than once involved costly expeditions against it. Lord Mayo was the last man in the world to palter with rebellion, and he went sternly to the root of disaffection wherever he found it. By substituting a provident knowledge of the facts for the old mixed system of *laissez faire* and

surprises, he withdrew the Wahábi movement from the operations of war into the calm, persistent action of the Courts. A series of criminal trials sent its leaders across the sea for life, and cowed and dispersed their followers. The British Government permitted to no traitor the honors of a political execution, nor to any fanatic the glory of martyrdom, and Wahábi disaffection was stamped out, never since to reappear in an overt form, without a drop of blood being shed by the Courts.

But the stern suppression of active disloyalty formed only a small part of Lord Mayo's policy. He found our system of public instruction was not one which the Muhammadans could, with a proper regard to their religious sentiments and national traditions, avail themselves of. He therefore set himself earnestly to study their requirements, and the causes which rendered our system unsuited to them. In another book, I have so fully gone into this question,[1] that I shall here confine myself to Lord Mayo's personal summing up in his own words.

'There is no doubt,' writes one of his Viceregal Notes, 'that as regards the Muhammadan population, our present system of education is, to a great extent, a failure.

'We have not only failed to attract the sympathies and confidence of a large and an important section of the community, but we have reason to fear that we have caused positive disaffection.' Lord Mayo then carefully reviewed the statistics of Hindu and Muham-

[1] *The Indian Musalmáns*, 2d Ed. Trübner, 1872.

madan pupils in our schools throughout the various Provinces of India. He pointed out that in Bengal, the chief seat of Musalmán disaffection, there were only 14,000 Muhammadan scholars against 100,000 Hindus. That is to say, while the Musalmáns form about one-third of the population of the Lieutenant-Governorship of Bengal, the Muhammadan pupils formed less than one-seventh of the attendance at our schools. After commenting on the 'lamentable deficiency in the education of a large mass of what was, not very long ago, the most powerful race in India,' he resumes :—

'Assuming then that, after the experience of years, we have failed to attract the mass of the Muhammadan people to our system of education, and have, moreover created a cause of disaffection, inasmuch as they find themselves unable to participate in the material advantages which Government education has conferred on the Hindus, it remains to be seen what remedy can be applied.

'All that Mr. —— and others have said, confirms the view set forth in the Secretariat Memorandum, and shows, First, that a Muhammadan is not a gentleman until he has acquired a certain amount of Arabic and Urdu learning. Second, that he will not come to a Hindu school to be taught by a Hindu teacher. Third, that we must therefore give way somewhat to their national prejudices, and allow to Arabic, Persian, and Urdu, a more prominent place in many of our schools and examination tests : That we should aid Urdu schools as we do Bengali schools, open out

classes and scholarships in our colleges for Muhammadans, and in every way give them a more equal chance of filling those lucrative positions which are now almost monopolized by Hindus.

'A very small change in *educational tests* will, I believe, effect much of the desired object.

'I think a Resolution, brief and carefully worded, might with safety issue. It would be scarcely prudent to enter into details, or to found the Resolution, as suggested by my honourable colleague, on the first six pages of the Secretariat Note, able and excellent as it is. I would rather substitute something like the following :—

'"The condition of the Muhammadan population as regards education has of late been frequently pressed upon the attention of the Government of India. From statistics recently submitted, it is evident that in no Province, except perhaps in the North-Western Provinces and the Panjáb, do the Muhammadans adequately, or in proportion to the rest of the community, avail themselves of the educational advantages that the Government offers. It is much to be regretted that so large and important a class, possessing a classical literature replete with works of profound learning and great value, and counting among its members a section especially devoted to the acquisition and diffusion of knowledge, should stand aloof from active co-operation with our educational system, and should lose the advantages, both material and social, which others enjoy. His Excellency in Council believes that secondary and higher education conveyed in the ver-

naculars, and rendered more accessible than heretofore, coupled with a more systematic recognition of Arabic and Persian literature, would be not only acceptable to the Muhammadan community, but would enlist the sympathies of the more earnest and enlightened of its members on the side of education.

'"The Governor-General in Council is desirous that further encouragement should be given to the classical and vernacular languages of the Muhammadans in all Government schools or institutions. This need not involve any alterations in the subjects, but only in the mode of instruction. In avowedly English schools established in Muhammadan Districts, the appointment of qualified Muhammadan English teachers might with advantage be encouraged. As in vernacular schools, so in this class also, assistance might justly be given to Muhammadans by grants-in-aid to create schools of their own.

'"His Excellency in Council desires to call the attention of local Governments and administrations to this subject, and he directs that this resolution be communicated to them and to the three Universities of Bengal, the North-Western Provinces, and the Panjáb, with a view to eliciting their opinions as to whether, without infringing the fundamental principles of our educational system, some general measures in regard to Muhammadan education might not be inaugurated, and whether more encouragement might not be given in the University course to Arabic and Persian literature."

'A resolution of this kind would be justified by the

circumstances of the case, and would have an excellent effect on the feelings of the Muhammadan population at this moment.' It only remains to add that the reforms thus indicated have been carried out, reforms susceptible of still further development, but which have in the meanwhile been hailed as a boon by the Musalmán population. The Muhammadan petition and complaint have ceased to be a constantly recurring difficulty in the administration of Bengal, and Muhammadan disaffection has at the same time dropped out of the cognizance alike of our armies and our Courts.

But perhaps the most distinctive feature of Lord Mayo's internal policy consisted not so much in his efforts to instruct the people of India, as to educate their rulers. At the time of his accession the Government did not know the population of a single District of its most advanced Province, and the first census of Bengal (taken under Lord Mayo's orders) unexpectedly disclosed a population of 66¾ instead of 40 millions of people in that Lieutenant-Governorship. No data existed for estimating the practical effects which any natural calamity would have upon a District. In 1866, when famine burst upon the Bengal seaboard, the Government remained unaware that the calamity was imminent until it had become irremediable, and scarcity had passed into starvation. The proportion which the crops of a Province bore to its food requirements, the movements of its internal or external trade, and everything connected with the operations by which wealth is distributed or amassed, and by which the necessities of one part of the country

are redressed from the superfluities of another, remained unknown factors in administrative calculations of the most important practical sort. The East India Company had again and again endeavoured to obtain an accurate knowledge of the territories which its servants had won. Individual administrators had laboured, in some cases with a large measure of success, to collect such information. The first Settlement operations in various parts of India formed a vast storehouse of rural facts; and the later efforts of Sir Richard Temple in the Central Provinces had set the example of making the ebb and flow of inter-provincial trade a subject of serious study. But no organization existed in the Government of India for working up the results thus obtained, or for extending such local efforts on a uniform system over the whole country. An accurate statistical knowledge of a Province, or even of a District, was a speciality not unfrequently the exclusive possession of a single officer, and which sometimes died with him. For example, in a country in which a few inches more or less of rainfall determine the yearly question of abundance or famine for millions of people, nothing deserving the name of organized study had been devoted to the meteorology of the most imperilled Districts. The absence of systematic investigation of the resources of India had from time to time been urged against the Government alike by eminent thinkers and by practical men in England, and it had from time to time landed that Government in disastrous surprises.

During the twenty years preceding the Earl of

Mayo's Viceroyalty, much had been done to meet this just reproach. A geological department had been organized, the topographical survey and grand triangulation of India had been pushed on, the Settlement operations had been skilfully utilized, officers who displayed a zeal in studying the facts of the people had generally received early promotion, and an adequate liberality had been displayed towards private researches in the same direction. But no corresponding change had taken place in the organization of the Central Government. When the country passed to the Crown, the Calcutta Home Office—a vast, overgrown Department—still supervised the whole administration of British India. It had grown with the growth of the Company, and its history forms a noble memorial of the development of the sense of responsibility in the ruling race. Changes, to be presently alluded to, partially relieved the Home Department under the first three Viceroys; and whatever aid it could derive from a methodical distribution of work, it had obtained during Lord Lawrence's administration. When the Earl of Mayo succeeded, he found it officered by a strong and an experienced staff, presided over by two Under-Secretaries, a Chief-Secretary, and two Members of Council. Practically, it was divided into two branches, each with an Under-Secretary and Member of Council; while the Chief-Secretary stood as it were between the cross-fire of work which daily poured up from the two Under-Secretaries through him to the two Members of Council and the Viceroy. The tendency of such an

arrangement was to allow no leisure for the vast growth of new questions which are daily springing up around the Government of India, or to leave their study, to a larger extent than might otherwise have been permitted, in the hands of the Under-Secretaries. One man cannot permanently do the work of two. The utmost devotion and capacity for labour on the part of a Chief-Secretary could not remove the fundamental difficulties of his position; and, as one who served for a time as Under-Secretary, I may be permitted to record the admiration which every one in the Department felt for the statesman who under Lord Lawrence and Lord Mayo filled this arduous office. The Earl of Mayo resolved to give formal recognition to what had for some time back been an actual fact, and to erect the two branches of the Home Office into two separate Departments, each with a proportionate part of the old staff, and an Under-Secretary, Secretary,[1] and Member of Council of its own.

In so doing he gave to a process which had been going on since India passed to the Crown, its logical and final development. During even the short space of a generation of Indian officials, several great Departments had almost grown out of the Home Office. The Public Works Department, the Legislative and the Financial, had attained to entirely new proportions from this cause. Thus, to take the one last named, the management of the Customs, the Salt-Duty, and

[1] As will be presently mentioned, Lord Mayo's first proposal was to place the new Department under a Director-General, instead of a Secretary to Government.

Opium were transferred from the Home to the Financial Department in 1863, and in 1867 the control of the Post Offices throughout India followed the same course. Notwithstanding these transfers, however, the Indian Home Office remained in 1869 the overgrown double bureau above described. In effecting its final division into two separate Departments, Lord Mayo was guided partly by the distribution of work which had gradually grown up within it, and partly by a careful personal review of the two relations which the Ruling Power in India holds to the people. It is not merely a great Government, but a great landlord; its Provinces are not only subject territory, they are also its estates. In redistributing the work of the internal administration, therefore, Lord Mayo retained for the Home Department the functions of government in our ordinary sense of the word; to the new Department he assigned the duties which arise from the special relation which the Ruling Power holds, as the principal Indian proprietor, to the land and the people. The Home Department remained responsible for the security of person and property, the supervision of the police, gaols, education, and the other chief branches of the mechanism of internal government. Under the new Department the Earl of Mayo placed Settlements, or the arrangements which the Ruling Power makes with the people for the land; the rental derived therefrom, and a variety of subjects connected with the improvement of agriculture; the survey of its estates, and the commercial development of their resources.

There was, however, a second leading principle which guided Lord Mayo in his redistribution of the work of internal government, and which should perhaps have held the first place in this recital of his motives. Lord Mayo keenly realized, as more than one of his predecessors had felt before him, that the foreign rulers of India had fallen short of their duty in the study of the country and its people. He saw that the chief source of their errors in the past, and of their peril in the future, is want of knowledge. Since their first short period of unrighteous rule in the last century, the one desire of every great Indian administrator, and the permanent policy of the controlling body in England, has been to govern justly. Where they have failed, they have failed from ignorance.

The same fault would be predicable of any other foreign administrators who tried to rule in the interests of the people; but, unhappily for the world, the English in India are the first historical example of an alien conquering race struggling to govern in this sense. The Earl of Mayo resolved to accomplish what the most eminent of his predecessors had looked forward to and longed after—the practical organization of a great Department of Knowledge. In redistributing the work of internal administration, he concentrated under the new Department every branch of inquiry into the country and its people. The trigonometrical measurement of India, the topographical mapping of its Provinces, the revenue survey of its Districts, the explorations of its coasts and seas, the geological scrutiny into its mineral wealth, the observa-

tion and record of its meteorological phenomena, the exploitation of its agricultural products and its commercial capabilities, the minute researches of the Settlement Officers into the details of rural life—all these and other isolated branches of inquiry he gathered up into a firmly concentrated whole. Where he found the search after knowledge already going on, he systematized it, and he endeavoured to complete the missing limbs by organizing a statistical survey of each District of India. A single one of the pieces of work executed under the new Department before its founder's death, may be briefly stated as the first census ever taken of the people of India. Papers of the utmost importance have been from time to time prepared by it and given to the public, on that large class of Indian products which possess commercial capabilities not yet fully developed—such as the rhea fibre destined to change the textile industries of the world, silk, tobacco, lac, etc. In agriculture he believed that the rulers had something to teach, but still more to learn. In developing the trade and exploring the products and capabilities of the country, he held that the duty of the Government ceased when it had by practical experiments pointed out the way and removed the obstacles from it. For the fruits of his efforts, whether in agriculture or commerce, he looked to Private enterprise. But he held that it was a proper function of Government, situated as the Indian Government is, to supply the initial knowledge without which Private enterprise in India does not come into play.

The foregoing paragraphs endeavour to give a general statement of Lord Mayo's views, put together from his speeches in public and private, his Viceregal notes, official despatches, and such of his personal letters as have come into my hands. Those views were the growth of several years. They began to form themselves in his mind during the first months of his Viceroyalty, and the process of development was visibly going on a few weeks before his death. A lasting administrative reform seldom leaps forth in full panoply from any single brain. The Earl of Mayo's reforms certainly did not. They grew with the growth of his knowledge. Even after he laid his plans officially before the Secretary of State in the second year of his Viceroyalty, his views received important modifications; and, as already mentioned in a footnote, the new Department, instead of being a Director-Generalship, as Lord Mayo first proposed, was formed into an independent Secretariat of the Government of India.

His conception of the duties of such a department sprang primarily from the necessity which the Indian Government felt for a more accurate knowledge regarding the agriculture and the commerce of the country. Manchester was demanding a larger supply of cotton, with a longer staple, and some sort of security that the bales exported did not consist largely of broken bricks. The tea planters on the North-Eastern frontier had grown into a great interest, with many wants to be satisfied, and a most difficult labour-problem to get adjusted. Jute and oil seeds were

yearly engrossing more of the soil of Bengal, and the population requiring food-grains was at the same time rapidly multiplying. Proposals were constantly being made to Government for improving the native breeds of cattle, for introducing better sorts of seed, better processes of agriculture, better implements of tillage, and more lucrative crops. A story was current of an energetic District Officer who had, in one year, changed the cotton cultivation of a great territory by getting the husbandmen supplied with a higher quality of seed, and riding through the villages declaring he would plough up every field which he found sown with the old. He succeeded; but had a famine resulted, he would have been dismissed the service. The solution which the average local officer arrived at was of a less heroic sort. It consisted, in the first place, of getting up a cattle show, or an exhibition of produce, with the *dernier resort* of beguiling some Rájá into ordering an improved pump, or a neatly painted patent plough from Ipswich.

In short, the increase of the population, the vast outlets for Indian products to Europe, and the accumulation of wealth, had raised the problem of how far, and in what forms, would the application of capital to land be profitable in Bengal. 'I really think,' wrote Lord Mayo in a private letter to Lord Napier of Ettrick, in 1869, 'that the time is come when we ought to start something like an agricultural department in the Government of India, with branches in the Presidencies and the Lieutenant-Governorships.

Agriculture, on which every one here depends, is almost entirely neglected by the Government. I have seen enough already in my wanderings to know that there is an enormous field, not exactly for the reform, but for the investigation of husbandry in India.' 'Every day,' runs a letter to another friend, later in the year, 'the want of a Department for agriculture and trade is more keenly felt, and I believe that the establishment of a separate Department of the Government for this object would be one of the most useful measures which could at present be taken into consideration.' At the same time the Earl of Mayo determined, in his own mind, the limits within which such a Department could profitably act. One of the innumerable proposals of the improved pump and steam plough order had been for the State to commend an 'ammoniac manure' to the Indian husbandman. 'I do not know,' wrote Lord Mayo, 'what is precisely meant by "ammoniac manure." If it means guano, superphosphate, or any artificial product of that kind, we might as well ask the people of India to manure their ground with champagne.' In another of his Viceregal notes he puts the case thus: 'In connection with agriculture we must be careful of two things. First, we must not ostentatiously tell native husbandmen to do things which they have been doing for centuries. Second, we must not tell them to do things which they can't do, and have no means of doing. In either case they will laugh at us, and they will learn to disregard really useful advice when it is given.'

He did not infer, however, that nothing could be done. 'For generations to come,' runs one of his official Despatches, 'the progress of India in wealth and civilisation must be directly dependent on her progress in agriculture. Agricultural products must long continue the most important part of her exports; and the future development of Indian commerce will mainly depend upon the improvement in the quantity and quality of existing agricultural staples, or on the introduction of new products, which shall serve as materials for manufacture and for use in the industrial arts. The efforts of the Government of India and of English enterprise have, doubtless, been beneficial. Thus, important progress has been made in regard to cotton. Large sums of money were spent in former years in attempts to improve its cultivation, but with little result, owing to the mistaken system under which they were made. It has become manifest that' its improvement, 'by the introduction of exotic seed, can only be secured by careful and prolonged experimental cultivation. Renewed attention has been more recently given to this subject with much better effect. The success of our tea, coffee, and cinchona plantations, shows what has been and may be done in introducing into India new and valuable products. Jute, which not long ago was hardly used, has become an article of first-rate commercial interest. The world derives from India nearly the whole of its supply of indigo,'—a staple which was promoted by the Company's example in the last century, as the Calcutta manuscript records abun-

dantly attest. 'We have within the last few months taken special measures for improving and facilitating the preparation of rhea fibre.'[1]

'There is, perhaps, no country in the world in which the State has so immediate and direct an interest in such questions. The Government of India is not only a Government, but the chief landlord. The land revenue, which yields twenty millions sterling of her annual income, is derived from that proportion of the rent which belongs to the State, and not to individual proprietors. Throughout the greater part of India, every measure for the improvement of the land enhances the value of the property of the State. The duties which in England are performed by a good landlord, fall in India, in a great measure, upon the Government. Speaking generally, the only Indian landlord who can command the requisite knowledge and capital is the State.

'The Government has always, at least by its legislation, recognised this duty. The system of giving advances of public money, called *takávi*, has prevailed more or less since 1793 up to the present time. The security is complete; the land is responsible for the repayment. This system is identical with that which has been carried out in England and Ireland by means of the Land Improvement Acts. We are satisfied that the principle may receive a wider development than has hitherto been given to it.

'Advances of money should be usually made for

[1] I condense the Despatch by the omission of intermediate clauses or paragraphs.

those descriptions of work only which can be designed and efficiently carried out under the direction of the local proprietors. They should not be made for great works requiring, in their design or construction, engineering skill of a high order, or the employment of large bodies of labourers. Such works must necessarily be undertaken by the Government through the Department of Public Works. The works for which advances might properly be made would ordinarily fall into some one of the following classes:—(1.) Wells and other works for the storage, supply, or distribution of water for agricultural purposes, and the preparation of land for irrigation. (2.) Drainage. (3.) The reclaiming of land from rivers. (4.) The protection of land from floods. (5.) The reclaiming, cleaning, and enclosing of waste lands for agricultural purposes. (6.) The clearing of land from stones or other obstacles to cultivation.'

The Earl of Mayo believed that much might be effected through the new Department towards improving the 'the breeds of horses and cattle. The Government studs,' he said, 'have hitherto done little in this respect for the benefit of the country at large. They have been maintained primarily for military purposes, and have been managed on a very costly system, under which little advantage has been obtained for the agricultural or other interests. Measures are also urgently required for preventing and alleviating the destructive murrains which so frequently occur in this country, and which are lamentable and ruinous causes of injury to Indian agriculture.' Again, 'our

attention has recently been directed to the fisheries of India. This is a subject which has hitherto been little cared for, but which appears likely to prove of considerable economic importance.'

As far back as 1854, the Court of Directors, quoting the words of a distinguished educational authority in Bengal, had declared there was no 'single advantage that could be afforded to the rural population of India, which would equal the introduction of an improved system of agriculture.' Lord Mayo more than once had to point out the very serious practical and economic difficulties which lay in the way of introducing any such change from above. But while fully realizing those difficulties, he believed that something might be done by the Government setting the example in small model farms, and proving quite silently but visibly to the cultivators the value of improvements by the result of actual experiments. 'In Europe,' he said, 'progress in this direction has been mainly based on private effort, and by the application of the intelligence of the agricultural classes themselves to the ends in view. In almost all civilised countries, however, in which, unlike England, the form of Government is *centralized*, the efforts of the people are powerfully aided by the co-operation of a State Department of Agriculture, which works in part directly through its own agency, and in part through agricultural and other societies. Even in India, such societies have been extremely useful, and they might properly receive more encouragement from the Government than has hitherto been given to them.

But we cannot expect to obtain in this way any great results. The work that is performed by the great Agricultural Societies of Europe must be performed in India by the Government or not at all.'

With the practical exhibition of the results of such experiments, Lord Mayo held that the direct efforts of the State towards the improvement of Indian husbandry should cease. Excepting in these cases, he declared that the Government 'cannot with advantage attempt to carry on any of the operations of agriculture. In regard to this, as to other branches of industry, the State may do much to foster and encourage the efforts of private individuals, but it can do comparatively little through the direct agency of its own servants. Nevertheless, the exceptions to this rule will, in this country, be important; and we believe that it may often be the duty of the Government to act as the pioneer to private enterprise. It has done this to some extent already. Thus, for example, the introduction of tea and cinchona cultivation into India has been mainly due to the Government.'

The Government of India had not, however, chiefly to teach the natives how to improve their husbandry; it had to learn how to conduct its own. The ruling power is a great forest proprietor, and it had not up to that time been a very successful one. The forests had been handed over to the Public Works Department, 'in the absence of any special branch of the administration to supervise' them. Lord Mayo resolved that their efficient management should be one

of the distinct duties of his new Department. The forest tracts are in many parts of India inhabited by wild tribes who still cling to the nomadic stage of husbandry,—burning down a spot here and there in the jungle, and after exhausting it with a rapid succession of crops, deserting it at the end of three years for fresh clearings. This form of cultivation is a wasteful one, and has often wounded the economical susceptibilities of the British District Officer. But it is a natural stage in the progress of agriculture, and where virgin soil is abundant and the population sparse, it rests not only on deeply rooted tribal traditions, but on economic grounds. Any rough interference with it causes discontent and misery; and, as already stated, Lord Mayo had more than once to criticise the zeal of the Forest Administration in this respect. Similar effects had sometimes resulted from other improvements. Even irrigation itself occasionally displaced a population, and in several parts of India created a safeguard against dearth only at the cost of desolating the villages by malaria. The Earl of Mayo held that the new Department should be responsible for seeing, not only that work was well done, but that it was done without sacrificing the pre-existing interests of the people. In the single instance of serious mismanagement of this sort which came to his notice, he recorded his opinon in unmistakeable terms.

'Last year,' he said, in one of his Viceregal Notes, 'when ——'s report was placed in my hands, declaring that the most palpable result of opening up of com-

munication by the Godáverí was to produce the steady emigration of the inhabitants to the amount of 40 per cent. and gradual depopulation of some of the Districts; when he further stated that a people who did not know how to grow sufficient food for their consumption for more than nine months of the year, and during the remaining period subsisted on jungle fruits, were made the subjects of oppressive taxation; when he stated that the ground they cultivated was taxed, the jungle fruit on which they lived was taxed, the wood with which they built their houses was taxed, the grass with which they fed their cattle was taxed, and further, that this very same race of people, while under the Nizam, were almost wholly untaxed, I came to the conclusion that the statements must be either very much exaggerated or almost wholly untrue.

'No one, however, who reads these papers can come to any other conclusion than this—that the statements made by ——, though perhaps somewhat highly coloured, are not untrue in the main, and are based on what I must characterize as a most unfortunate state of things.

'If ever there was an instance of a system of administration established among a people almost savages, which is quite unsuited to their state and character, the description of it is to be found in these papers.

'The District may be called a dense forest, with a few strips of rich cultivated land along the banks of the rivers. There are no towns' except the headquarters of the Irrigation Works and of the District Administration. 'The climate appears to be exceed-

ingly unhealthy. Fifty per cent. of the population of 56,000 (which is exceeding sparse, giving only an average of 28 souls to the square mile) is composed of the wildest tribes. The great majority of the agriculturists appear to be of restless habits. They do not settle down, and generally move from one spot to another in every three or four years.

'In such a District and in such a people as this, we have evidently been endeavouring to establish our complicated and highly organized administrative system.

'There is a sort of cultivation which, however barbarous and destructive, is the only one known to this people. We have prohibited it over nine-tenths of the District. We have taxed the tree which grows wild throughout their forests, and gives them food and drink. We have permitted the native landholder's agent to levy the rent of those who emigrated from the remainder who stayed behind. We have permitted the subordinates of the trigonometrical survey to ill-treat the people. We have made the people pay dues for grazing their cattle in the Government wastes.

'And all this is administered by a small body of European and native officers, not one of whom can speak the only language which the people understand.

'I wish to point out all this to my colleagues, and particularly to Sir Richard Temple, who knows the country well; and to ask them whether they think the remedies proposed by —— —— are sufficient. It is our duty to take steps to extend to this wild

and semi-populated District a system of administration more suitable to the people and more creditable to our rule.'

The Indian Government, besides being the chief landholder, is also a great mineral proprietor. Lord Mayo devoted close attention to the labours of the Geological Survey, and supplemented them by special researches, conducted with a view to ascertaining the marketable value and the commercial capabilities of the ores and coal-fields. India at this moment is on the verge of a new future. The dense population, which has hitherto been crushed down upon the soil, and forced to live by the one Indian industry, tillage, will within the next generation have vast new outlets opened to them by the development of the mineral resources. Lord Mayo saw that we have in India inexhaustible stores of the three elements of mineral enterprise, coal, iron, and lime. But he also saw that such enterprise in India is surrounded by a set of problems unknown in England, and which had deterred Anglo-Indian capitalists from entering the field. For example, while we have coal, iron, and lime in plenty, they do not occur as in England, near to each other, in sufficient quantities as to justify the establishment of smelting-furnaces on a great scale. The iron manufacture of India is, with a few exceptions, still in the hands of the semi-aboriginal jungle tribes, who scratch about for their ore, get their flux in handfuls of nodules from the river-beds, and make their fuel by turning patches of the forest into charcoal. Lord Mayo perceived that the first problem

which Indian mineral enterprise on a large scale has to solve is that of carriage: for instance, how to bring the limestone of the Son (Soane) valley to the coal and iron ores of Ráníganj. It must be remembered that it is the return freight to England which pays for an Indian voyage, so that metals come out from Liverpool at low rates. The English ironmaster enters the Indian market as lightly weighted with regard to carriage, as an Indian iron smelter would have found himself a few years ago, before he got his ore and flux into his furnace. Lord Mayo therefore applied himself to the development of mineral lines, roads, and canals, and insisted on the railway mineral rates being fixed on the lowest possible scale.

Another difficulty arises from the difference in the chemical structure of the English and the Indian coals. English coals yield, on an average, under 4 per cent. of ash; the Indian coals give over 15 per cent. This not only increases the cost of carriage, but it raises a new set of difficulties with regard to the use of Indian coals for the uniform and continuous high temperature required in smelting. English capital in India wisely shrinks from the perils incident to wholly unexplored industries. The element of the unknown had in this way acted as a deterrent to mineral enterprise. Lord Mayo believed it to be a proper function of Government to do something towards supplying the initial data which such enterprise requires, and he laid this down as one of the duties of his new Department. Under its auspices, reports have been communicated to the public in the

Gazette, stating the results arrived at by a professional coal and iron viewer, and the commercial capabilities of the various ores and coal-fields in India. By a short branch line Lord Mayo opened up the Chándá beds, and supplied to Central and Western India a practically inexhaustible supply of coal. The effect which this measure will have on steam-power weaving and the growth of a healthy mill interest in India, was looked forward to by Lord Mayo as a great permanent result of his rule. I understand from the newspapers that the coal of the Central Provinces is now used throughout the railway system of the Bombay Presidency. From the same sources I gather that experimental works, conducted by the Government, have pioneered the way for private mining enterprise in Central India. The petroleum of Burmah holds forth prospects of a new source of wealth in an opposite part of the Empire, and received special attention from Lord Mayo, both in his personal writings and in his official Despatches.

The more striking ores of India—its gold, silver, nickel, copper, tin, and lead—received less attention from Lord Mayo. He thought a Government can safely leave these attractive metals to private enterprise. What he laboured at, through his new Department, was to help towards the solution of the special problems connected with the coal and the iron ores of India, and to provide a basis of knowledge from which private enterprise might start. Western India is at this moment being covered with steam-power mills, destined yet to derive their whole fuel

from the Indian coal-measures; and efforts are being made by private capitalists in Bengal to commercially solve the problem of iron manufacture on a large scale.

From the first, Lord Mayo insisted on his new Department being a Department of Commerce as well as of agriculture. The Company's old monopoly left behind it a jealousy of the private merchant and an indifference to his interests. Long before Lord Mayo's Viceroyalty, this jealousy had dwindled from a political influence into a social tradition. But it had sufficed to retard the adoption of the enlightened measures with regard to the supervision of commerce, which in England centres in the Board of Trade. India, at the time of Lord Mayo's accession, had no Board of Trade, nor anything corresponding to it. He determined, in forming his new Department, to create a nucleus of such a Board. His original proposal was that its head should bear the title of 'Director-General of the Department of Agriculture and Commerce.' 'We are convinced,' he said, 'that if there had been a Department, the special business of which was to make itself thoroughly acquainted with all facts of importance regarding the commercial transactions of India, to observe intelligently the operations of external and internal trade, and to watch the effect produced on the commerce of the country by our fiscal system, our legislation would have been very different from what it has actually been. If such a Department had existed, we doubt whether the export duties which we now levy on

some of the main staples of agricultural produce, and even on articles of Indian manufacture, would have been imposed or maintained. If such a Department had existed, it would never have tolerated the continuance of duties such as those which are still levied on sugar from the North-Western Provinces across the Inland Customs line. These duties are transit duties of the worst description, levied on one of the most important articles of agricultural produce in Northern India.

'Such a Department,' he continued, 'would not only deal with questions of commercial taxation, but with all branches of the statistics of trade, both external and internal; the development of our growing branches of manufacturing industry, the law of patents, the mineral resources of the country, questions relating to the census and to emigration, and all other kindred subjects connected with the development of the material resources of India.' It would also do something, he hoped, towards 'the establishment of a suitable system of industrial education,' by the encouragement of popular treatises in the vernaculars 'on industrial subjects, and their dissemination among the artisan classes.' He pointed out that the area dealt with by the Board of Trade in England had hitherto received no adequate attention in India. 'The experience of the English Board of Trade,' he concludes, 'would supply information for placing the operations of an Indian Commercial Department on a satisfactory footing.'

The primary functions of the new Department

were therefore to be: First, those discharged by the Departments of Agriculture in America, in France, and, generally speaking, in all European countries having, like India, a centralized form of Government. Second, those discharged in England by the Board of Trade. To these were added, in the third place, the administration of certain branches of taxation, such as opium, salt, inland customs, and other sources of the national income which in India are technically called 'Separate Revenue.' The central mechanism thus created, Lord Mayo proposed to utilize as a Department of Statistics and Knowledge. The new Secretariat was constructed at a very small addition to the public expenditure, by the redistribution of the work and of the staff of the Home, Financial, and Public Works Departments. It now bears the style of the Department of Revenue, Agriculture, and Commerce.

I have devoted so much space to the four great lines of the Earl of Mayo's internal government, to his searching retrenchments, his development of railways and canals, his education policy, and the formal creation of a new Department charged with the supervision of agriculture, commerce, and the study of the people, that a few paragraphs must suffice for his miscellaneous measures. Their variety and number would in any case compel the utmost brevity. During Lord Mayo's Viceroyalty, municipal institutions received a marked development throughout India. The Earl of Mayo fully realized how slow a growth municipal rights and municipal responsibilities had been in Europe. He did not expect to teach the great lesson

of self-government in a few years or by any device of legislation. But he heartily supported the Provincial Governors in their battle against the misery and disease which the absence of municipal regulations and municipal funds sows broadcast over the country. The old village mechanism of self-government, whatever it might have been worth, has practically ceased to act. Municipal regulations during Lord Mayo's Viceroyalty made great strides towards taking its place. Three of the many problems connected with this change in India are: First, that the rural towns are not in reality towns at all, but merely clusters of hamlets, or at best village unions. Second, that the people neither desire sanitary measures nor do they wish to pay for them. Consequently, in the third place, if municipal work is to be got done at all, the people cannot be trusted with the actual local power which municipal institutions involve. The great difficulty is to give a certain amount of self-government to the Municipality, and yet to leave sufficient power in the District Officers' hands to compel the Municipality to do its work. It would be vain to suppose that any single Englishman, or that any single lifetime, could suffice for this problem; or could teach the Indian people those lessons of self-government which the western branches of the Aryan race learned through slow centuries of suffering, oppression, and bloodshed. What one English mind could do to help on the good work, Lord Mayo accomplished.

A favourite subject of the Earl of Mayo during his Irish career was prison discipline. His Indian

diaries are full of observations noted down after inspecting the local gaols; and during his Viceroyalty he saw many changes for the better introduced into their management. Among other points, he made up his mind that European convicts should cease to be the formidable difficulty they had hitherto proved; and that a sentence by an Indian court should not be a device for obtaining a comfortable journey home. 'The whole question,' he writes in one of his personal notes, 'turns upon this. Can you provide in India a place where European convicts can undergo penal servitude with as much rigour, and with as little risk to health, as in England?' He had to deal with the opposite extremes of severity and of leniency. 'You have no right,' he said, 'to inflict a punishment of death upon a prisoner who has only been sentenced for a term of years or for life,' by keeping him in a disease-stricken gaol. 'On the other hand, you must not release a European because he is merely in as delicate a state of health in gaol as he would probably have been had he been free.' In India a chronic battle had gone on between the District Officer who was determined that prison should be a distinctly uncomfortable place for the criminal classes within his jurisdiction, and the Medical Officer who was equally determined to show a low death-rate in his gaol, and to dismiss every convict at the end of his sentence weighing a good many pounds heavier than when he entered the prison gates. Much was done during Lord Mayo's Viceroyalty to bring this long strife to a reasonable conclusion.

The Earl of Mayo perceived that the Poor White had become a grave administrative problem in India. For the fallen European he provided by a Vagrancy Act, and he laboured to keep down the numbers of this unhappy class by fostering schools and asylums for the poorer English and Eurasian children. Such institutions had up to that time received scant aid from the State, and Lord Mayo did not live to carry out their improvement. The truth is, our whole system of State instruction in India has been designed, and rightly designed, for the natives. The poorer classes of the European community are still inadequately provided for by the Government. Lord Mayo thought that the first thing to be done was to place the existing schools for European children on a sound and efficient basis before building new ones. I have already alluded to the Commission of inquiry and reform which he appointed for the Lawrence Asylums. In the Presidency towns he exerted his influence, to use his own words, 'to increase the means of instruction for the Christian poor, and especially of the class immediately above the poorest.'

Among the administrative improvements carried out during his Viceroyalty, the following may be briefly summarized. The great question of emigration was reconsidered, and placed on its present basis; the emigrants being protected by legislative enactments against private cupidity or mismanagement during their voyage over seas. In like manner a series of stringent provisions put an end to the overcrowding in pilgrim ships and native passenger

vessels, which had yearly cost so many lives. The innumerable and very perplexing varieties of weights and measures throughout India were investigated; and an Act passed, after long and careful discussion, fixing the metre and kilogramme as the uniform units of measure and weight. Each Province received in turn the attention of Lord Mayo and his counsellors. In the North-Western Provinces of Bengal protection to person and property were secured by the Village Police Act—a measure which, although brought to its last stage after Lord Mayo's accession, belongs more properly to the preceding Viceroyalty. The ancient nobility of Oudh had not yet emerged from the ruin and confusion in which native misrule and the Mutiny of 1857 had left them. By a comprehensive measure, of the nature of a very mild Encumbered Estates Act, Lord Mayo provided for the settlement of their debts, and the efficient management of their property during the process of liquidation. Throughout all Northern India, in Oudh, in the North-Western Provinces, and in the Panjáb, he organized, on a legislative basis, a system of local rates for the construction of roads, the maintenance of the rural police, and district post; the building and repair of schoolhouses, hospitals, dispensaries, lunatic asylums, markets, wells, and tanks. The series of measures by which he effected this are fraught with importance to millions of men. But I must here close a narrative already too long, and which any attempt at a complete enumeration of the acts of his Government would extend to an intolerable length.

In this chapter I have felt more keenly than in any preceding one, the difficulty of adhering to my self-imposed rule of reticence regarding living men. It has led me to speak of the measures of Lord Mayo's Government too much as if they were the personal acts of the Viceroy. As already stated, no one would have protested against this tone more strongly than the late Earl of Mayo. But the four Indian civilians who had the largest share in the conduct of his internal policy, are still actively engaged in the government of India. I had the privilege of working directly under all of them; and it would be impossible for me to speak of any one of them, except in terms of affection and respect not suitable with regard to living men in a published book. There is one point in connection with them, however, which must be touched upon. The Earl of Mayo's policy in its great lines was essentially his own. But it derived several distinctive features from a peculiar combination of Secretariat ability with practical administrative experience, which he found in the responsible heads of the Home Department and placed in charge of the new one which he developed out of it. Of his two Home Ministers, Sir John Strachey and Sir Barrow Helbert Ellis, the former had made his reputation as the ablest District Officer in Bengal, and then sprang almost at a bound to high command in the central government. Sir John Strachey exercised his great influence on the side of progress in India; as indeed each generation of his family had done since his grandfather came out as Private Secretary to Lord Clive, for the work of

regenerating the Company's services. Sir Barrow Ellis' experience lay in the high functions of government. He had for many years held the most important place in the direction of the Bombay Presidency, and he knew how to manage the Local Governments, and to gauge the effect which an order of the Viceroy in Council would have upon their very various systems, with a certitude which contributed largely to Lord Mayo's success. In like manner, the Chief Secretary in the Home Department, Mr. Edward Clive Bayley, C.S.I., represented the highest result of long experience in the central direction of affairs, and has since attained to one of the highest posts; while Mr. Allan Octavian Hume, C.B. brought, as Chief Secretary in the Department of Revenue, Agriculture, and Commerce, an exact knowledge of local facts and District requirements to the new duties which the Government of India had taken up. As if to give emphasis to their different types, while the former is the most eminent Orientalist, the latter is the most distinguished naturalist at present in the Bengal Civil Service. This combination of District experience with the talent for large affairs alike in his two Home Ministers and their Chief Secretaries, greatly strengthened the Viceroy's hands and did much to produce that practical knowledge of detail, tempered with calm breadth of view, which formed so marked a feature of Lord Mayo's Internal Administration.

Lord Mayo was a thorough believer in private enterprise. He had denounced 'protection' in his

first youthful book, and he brought the same convictions to his final task of governing an empire. He grudged neither toil nor public money in helping to develope the resources of India; but he rigidly marked out the limits of such aid. He maintained that, in ordinary cases, Government had done its duty when it supplied the initial knowledge without which private enterprise in India does not come into play; together with the material facilities, such as roads or harbours, without which it cannot work. In the rarer instances in which the introduction of a new staple depends upon costly experiments, which in India have to be made by Government or not at all, such as the first cultivation of tea and cinchona, or the utilizing of the rhea fibre, he held that the function of the State was to initiate and withdraw. He believed that the safe increase of the Indian population, and the possibility of raising the Indian revenues to the level required for efficient government, depended on the extension of private enterprise, especially of undertakings conducted by English capital. His Viceroyalty witnessed the final breakwater established between any lingering tradition of official jealousy of 'the interloper,' and the free opening of India to British enterprise under the Crown.

His belief in the need of such enterprise, however, made him the more hostile to spurious imitations of it; and would have rendered him the more resolute to do justice in any conflict between Indian and English interests. He thought that the system of Guaranteed Railways, among other bad features, falsely bore the

name of private enterprise, and was not its reality, but its sham. He believed that the cheap labour of India, instead of being a danger to the British manufacturer, would prove a new field for his energy. He looked forward to the day when the true interest of Manchester will be understood; and when the jealous manipulation of a powerless Dependency's tariff, will seem an incredible episode in the history of a City which taught the language of free-trade to the world. The English cotton-spinners are at this moment learning the lesson which the English landed classes have practised. Manufacturers, almost alone among Englishmen, have hitherto been able, when they pleased, to keep their children around them, and to settle them one after another in their own line and near their own homes. In going about Scotland, nothing strikes one more than the sight, not uncommon in even small manufacturing towns, of as many as three handsome separate mansions, each almost a country seat, built for the sons of a single family in one generation, and constructed and maintained out of the profits of neighbouring mills.

At no distant date, manufacturers will accept the necessity of sending out their sons to the British Dependency, where a small capital, guided by previous training, goes furthest in their own industry; precisely as the English squire and the English farmer, in their different lines, have accepted this necessity, and in other colonies acted upon it. As well might the Cheviot laird look askance at the sheep-runs of Australia, or the Lothian agriculturist feel jealou

of the Tasmanian wheat fields, as the Lancashire magnate dread the rivalry of the Bombay cotton-mills. The Colonies, once feared as competing producers in the staples of the soil, have proved a great safety-valve for the classes, whether owners, or occupiers, or tillers, who live by the English land. The function which the Colonies have thus performed for the growing population of England, India is capable of discharging for her accumulating capital. What Canada and New Zealand have been to the landed classes, India may yet prove to the manufacturing; and so the whole circle of requirements for the nation's safe increase, alike in numbers and in wealth, be fully provided for. Lord Mayo did not live to see it, many of us may not see it, but the day will come, when the two great currents of English Capital and Indian Labour will at length freely meet, and in meeting flash out a new force for the world.

In the foregoing narrative many will miss a familiar feature of the Earl of Mayo's Viceroyalty. In India, hospitality forms one of the public duties of the governing race; a duty which they discharge, some laboriously, all to the best of their ability. The splendid hospitalities of Lord Mayo to all ranks and all races, amounted to an additional source of strength to the British Rule. For the spectacular aspects of that Rule I have no talent. But the influence which they exercise in India is real, and it was one which Lord Mayo turned to noble account. He regarded it a proud privilege that it fell to his lot to present, for the first time, a son of the English Sovereign to

the people and princes of India. His Royal Highness the Duke of Edinburgh's progress touched chords in the oriental imagination which had lain mute since the overthrow of the Dehli throne, and called forth an outburst of loyalty such as had never before been awakened in the history of our rule. It was the seal of peace; an act of oblivion for the struggle which placed India under the Crown, and for the painful memories which that struggle left behind. It has proved the harbinger of a visit more stately and more august, and destined to produce a still deeper effect on the Indian heart.

In his ceremonial as in his official duties, the Earl of Mayo had the ease of conscious strength. His noble courtesies, the splendour of his hospitality, and his magnificence of life, seemed in him only a natural complement of rare administrative power. The most charming of Indian novels,[1] in touching off the ideal of the head of Indian society, unconsciously delineates Lord Mayo. But indeed it would be almost impossible to draw a great Indian Viceroy in his social aspects without the sketch insensibly growing into his portrait. Alike in the cabinet and the drawing-room there was the same calm kindness and completeness. Each chief of the Government from whom I have received materials for this book writes of him as if he had taken a special interest in, and possessed a special knowledge of, his particular department. Mr. Fitzjames Stephen, not given to hero-worship, the Councillor in whose departmen

[1] *Dustypore*, by H. S. C.

Lord Mayo's influence was less intensely personal than in any other, has said: 'I never met one to whom I felt disposed to give such heartfelt affection and honour.'[1] No soldier went over the plan of an expedition or the map of a line of defences with the Viceroy without discovering, as he rode home from Government House, that he had got valuable practical hints. No diplomatist brought him a draft treaty without feeling certain that any fault in scope would be hit, and any deficiency in foresight remedied. Each Head of a Department found that Lord Mayo had personally weighed his proposals, and had discovered for himself where they were sound and where they were wanting. The whole body of secretaries, men whose function in life it is never to give way to enthusiasm, would have toiled their souls out for him. It was impossible to work near him without loving him: he had a tender considerateness, and a noble trustfulness, and a genial strength, which plucked allegiance from the hearts of men.

[1] *Ante*, p. 226.

CHAPTER X.

CONCLUSION.—1871-72. *Ætat.* 50.

PART of the daily routine of the Government of India is to scrutinize the printed Proceedings of the Local Administrations. These volumes or fasciculi, of greater or less thickness, consist of brief entries, showing every case which has come before the Local Governments during the month, and the orders issued upon it. All the larger questions should have previously formed the subject of separate communication with the Government of India; and the duty of its Under-Secretary, in reading over the Proceedings, is to see that the Governor-General has been adequately informed of each important case; or if he has not, to call for further details. This scrutiny, together with 'noting' upon the reports from the Local Governments on particular questions, forms the mechanical process by which the Secretariat brings the facts of the actual administration before the Viceroy and Members of Council.[1]

In the spring of 1871, it came in this way to Lord Mayo's notice that a cruel and mysterious murder had

[1] I describe the process as I was familiar with it five years ago; but I believe it continues substantially the same.

been committed in the penal settlement of the Andaman Islands. The circumstances had been somewhat slightly reported on by the local administration, but the case seemed to the Viceroy to reflect on the whole management of the Colony, and to demand a full inquiry. The investigations that followed revealed a state of things requiring searching reform, and their disclosures received additional significance from the comments of the Supreme Court in Calcutta, on the trial of the murderer. The Andamans are a group of islands far out in the Bay of Bengal, 590 geographical miles from the mouth of the Ganges, and 160 from the nearest point of Burmah. Our connection with them began in 1789, when the Bengal Government established on them a convict settlement, together with a harbour of refuge for ships blown out of their course. During seven years the settlers struggled against the deadly malaria of the jungles, the bludgeons of the natives, and the failure of supplies from the mainland; till, in 1796, the Indian Government found itself compelled to bring away the remnant and to abandon the Colony. Throughout the next half century, the Andamans appear in the records only as a cluster of cannibal islands, peopled with fierce fish-eating tribes, who promptly killed the savant we had sent to study their natural history, cut off stragglers from two troop-vessels that had gone ashore, and murdered shipwrecked crews. These atrocities at length forced on the Indian authorities the reoccupation of the islands. A new settlement was projected in 1855, and the number of life-prisoners

left by the Mutiny led to the establishment of the present Convict Colony in 1858.

The settlement had again a hard struggle for life. The Arab geographers describe the Andamanese as 'savages who eat men alive; black, with woolly hair; in their eyes and countenances something frightful; who go naked, and have no boats—if they had, they would devour all who pass near.' These stories, and Marco Polo's legend of them as dog-faced anthropophagi, gave place to stern realities. The Convict Settlement found itself surrounded by savages of a low and ferocious type, who decorated themselves with red earth, mourned in a suit of olive-coloured mud, used *crying* to express the emotions of friendship or joy, bore only names of common gender which they received before birth, and whose sole approach to the conception of a God was that of an evil spirit who spread disease. For five years they continued bitter enemies of the Colony, 'repulsing all approaches with treachery, or by showers of arrows;' murdering every one who strayed into the woods; and plotting robberies and arsons of a merciless sort. By degrees, however, the British officers persuaded them to a better mind, by stern reprisals on the guilty, and by building homes near the settlement for the less hostile —sheds where they might be protected from the tropical rains, and receive food and medicines such as they had never known in their wild state. Latterly an orphanage was established for their children under the care of European matrons.[1]

[1] I give the above details on the authority of Colonel H. Yule.

But the natives were the least terrible of the enemies of the Colony. The islands were buried under jungle to the water's edge; pestilent mangrove swamps fringed the creeks; evergreen foliage and a lush growth of climbing plants thatched out the fresh air from the forest, and allowed malaria to gather its deadliest force below. The Colony in the last century had been practically exterminated by fever; and for ten years after its re-establishment in 1858, the settlers were exactly decimated each twelve months. In 1867 the mortality was returned at over 101 per thousand; in only one previous year had the deaths fallen below that rate; in many they had exceeded it. The malaria-smitten gangs depended on the distant mainland for their food. A small pig, a rat with spiny hair, and a fruit-eating bat had been found on the islands; a wild cat also was reported, but doubted. Fish and roots were the immemorial food of the inhabitants. Even the coco-palms, so plentiful on the Nicobars, did not exist. In the daily battle against disease and death, the British officers found their hands burdened by a convict population, conservative beyond any people on the earth as to what they eat, and depending for each meal on supplies brought seven hundred miles across the sea.

These were the conditions with which the first Superintendents of the Colony had to deal. The problem before them was not one of penal discipline, but how to keep themselves and the convicts alive from monsoon to monsoon. Before the end of Lord Lawrence's Viceroyalty, they had solved that problem.

They cut down the jungle, reclaimed swamps, and by clearings on a great scale, not only opened up a source of food supply, but gave the prisoners a new interest in life. Cattle were brought over from the mainland; vegetables, grains, and fruit-trees introduced; and handicrafts encouraged. The clearings told also on the death-rate. As the rank vegetation was cut down, malaria relaxed its hold on the Colony, and in 1870 the mortality among the convicts had fallen as low as ten per thousand.

The struggle for existence had ended, but it left behind a laxity of discipline productive of scandalous results. A few English officials with a handful of soldiers were holding down, in an isolated island-group, the eight thousand worst criminals of Northern India. Many of them came of the fierce frontier races; most of them were life-prisoners, reckless, with no future on this earth. The security of such a settlement depends on clear regulations, exact subordination among the officials, and strict discipline among the convicts. The inquiries conducted under Lord Mayo's orders in 1871, disclosed the absence of every one of these essentials of safety. He found dissension and disobedience among the authorities; and a state of discipline that allowed a convict to accumulate a practically unlimited store of liquor, with which to madden himself and his comrades to further crime. It was a murder committed after a general debauch of this sort that led the Viceroy to reconsider the constitution of the Settlement.

The work occupied Lord Mayo's thoughts at Simla

during the early half of 1871. He found that he had to create a government for a Colony 'which, assuming that only life-prisoners were sent, would ultimately contain 20,000 convicts.' In the first place, therefore, he had to put together an administrative framework of a texture that would withstand severe strains, and ensure the safety of the isolated households of Englishmen in charge of the islands. In the second place, he desired that the new constitution of the Settlement, while enforcing a stricter surveillance and discipline, and increasing the terrors of transportation, more especially to new arrivals, should eventually allow of a career to the industrious and well-behaved; and as it were open up a new citizenship, with local ambitions and interests, to the exiles whose crimes had cut them off alike from the future and the past. He resolved, in the third place, to establish the financial arrangements of the Colony on a sounder basis; and he hoped that the measures which raised the convicts out of criminal animals into settlers would also tend to render them self-supporting. A Code of Regulations was drawn up under his eye, and revised with his own pen;[1] and true to his maxim, that for any piece of hard administrative work 'a *man* is required,' he sought out the best officer he could find for the practical reorganization of the Settlement. He chose a soldier of strong force of character and proved administrative skill, and in the summer of 1871 sent him off with the new Regulations to his task.

[1] Viceregal Note of the 26th June 1871.

'The charge which Major-General —— is about to assume,' wrote Lord Mayo in a Viceregal Note,[1] 'is one of great responsibility. In fact, I scarcely know of any charge under the Government of India which will afford greater scope for ability and energy, or where a greater public service can be performed. I fully expect that under his management the Andamans, Nicobars, and their dependencies, instead of being a heavy drain upon the Government, may at no distant period become self-supporting. The charge of the Colony to the Indian Exchequer has averaged £150,000 a year; each transported felon costs the country more than £1, 12s. a month' [the average monthly cost in Bengal gaols being 11s. 5d. per man.[2]] Lord Mayo then points out in detail the means by which he hoped this change would be effected: 'by a proper system of rice and pulse cultivation;' by breeding goats, and a more economical meat supply; by the adoption of gaol-manufactured clothing, and the growth of cotton and flax; by using the 'timber grown on the islands instead of imported timber;' 'by substituting Native Troops for free police,' and by 'more economical steam communication' with the mainland. The immediate saving from these measures was estimated by the proper authority at £30,000 a year. The Viceroy next comments on the recent reports 'that there is no system of supervision or discipline.' He then sets forth, in a well-

[1] Dated 10th June 1871.

[2] Rs. 68, 11a. 10p. per annum; including maintenance, clothing, guards, gaol-buildings, and every other charge in 1871. Report by Inspector-General of Gaols, L. P. for 1872, par. 145.

considered summary, the points to be attended to in this important branch of the ordering of a convict colony.

The Draft Regulations, although approved of in the main, seemed to him 'rather too detailed,' and requiring a more exact adjustment to the actual facts of the Settlement than could be accomplished at Simla, two thousand miles off. He therefore desired the new Superintendent to 'take them down with him, and re-examine them carefully by the light of experience.' His design was to divide the Regulations into two codes. One of these was to embody the fundamental constitution and discipline of the Settlement, and not to be susceptible of change by any authority less than that from which it emanated —the Governor-General in Council. The other was to be a subsidiary 'code of bye-laws, in which it would be within the power of the Superintendent from time to time to make alterations, reporting such alterations to the Government of India.' Lord Mayo concluded by concentrating the whole local authority in the Superintendent. 'Whether he is a civilian or a military man,' he wrote in reply to a Member of Council who had proposed a division of power, 'the Superintendent should be sole commandant, and from his decision there should be no appeal within the island. I think that this is essential for the safety of the Settlement, and for the maintenance of the authority indispensable in such a place.'

The new Superintendent soon found, notwithstand-

ing the full powers which he brought, that a heavy task had been laid upon him. The carrying out of Lord Mayo's scheme involved both a material and a moral reformation of the Settlement. The problem was, how to articulate the sodden masses of convicts into an organized human society, at the same time increasing the punitive discipline; and how to make the islands support a large sullen population, accustomed to live on external supplies, for which they had neither sown nor ploughed. The Superintendent's reports, although encouraging, disclosed the magnitude of the work; and a proposal to visit the islands, which had been spoken of some time before, gradually shaped itself into a fixed resolve in Lord Mayo's mind. His cold weather tour would take him to Burmah, and the Andamans lay on his way across the Bay of Bengal. 'Progress has been made,' the Superintendent wrote to the Viceroy's Private Secretary, 'but I am anxious that Lord Mayo should himself see what has been done, before we commence the clearing. No one can thoroughly understand this place until he has seen it.' 'I look to the Governor-General's visit,' he again wrote in the midst of his difficulties, 'to set all these matters straight.'

On the 24th January 1872, the Earl of Mayo left Calcutta on his cold weather tour. His purpose was first to visit Burmah, next to call at the Andamans on the return passage across the Bay of Bengal, and then to inspect the Province of Orissa. In each of these three places, weighty questions of internal policy demanded his presence. The Viceroy took

leave of the Lieutenant-Governor and other Bengal authorities at the river-side with a somewhat anxious face, as he was uneasy about Khilát affairs on the North-Western frontier, and regarding the safety of the British representative then on his way to Sistán. For the first time since he assumed office, he was about to cut himself off, during many days, from telegrams and despatch-boxes; and he mentioned that if any bad news of importance reached him in Burmah, he would give up the Andamans and Orissa, and return direct to Calcutta. A brilliant party of guests accompanied the Viceroy and the Countess of Mayo in H.M. frigate *Glasgow*, and in the steamship *Dacca*, which the British India Steam Navigation Company had placed at his disposal for the tour.[1] At Rangoon reassuring telegrams arrived from Calcutta; and after a visit of much practical utility to the two great seats of commerce in Burmah, the Viceroy sailed from Moulmein at daylight on the 5th February for the Andamans and Orissa.

At 8 A.M. on the 8th February the *Glasgow* cast anchor off Hopetown on the Andamans. The Viceroy was delighted at the speed she had made, and wanted to land at once to begin his inspection, and

[1] Among the guests were the Marquis and Marchioness of Drogheda, the Earl of Donoughmore, Miss Milman, the Hon. Sir Barrow Helbert Ellis, Miss Norman, Mr. Aitchison (Foreign Secretary) and Mrs. Aitchison, the Hon. Mrs. Burne, Count Waldstein, Mr. Eustace Smith, M.P., and Mrs. Smith, Colonel Jervois, C.B., Mr. and Mrs. Halsey, Mr. and Mrs. Horace Cockerell; Colonel, Mrs., and the Misses Thuillier; Mrs. Barnett; Colonel and Mrs. Rundall, Mr. G. W. Allen, Mr. Gerald Fitzgerald. The personal staff consisted of the Private Secretary, four aide-de-camps, and the Viceroy's Surgeon.

so to get off again with as little detention as possible. This wish, however, was evaded; and on the Superintendent presently coming on board, the Private Secretary drew him aside to ascertain that the precautions taken for the security of the Viceroy throughout the day were complete. The Superintendent explained that, as previously arranged, the convicts were to be kept at their regular work, so that the Viceroy might see the Settlement as it really was; and that the warders had strict orders to allow no prisoner to quit his place. A detachment of free police, armed with muskets, was to move with the Governor-General's party in front, flank, and rear; and on Viper and Ross Islands, where the worst characters are quartered, detachments of native infantry had been detailed in support of the police. On these islands, the only ones where any danger was apprehended, the whole troops were under arms. The police had strict orders to prevent any one approaching the Viceroy. Lord Mayo, on being told of these arrangements, said they were more than enough, and in high spirits landed after breakfast with a party of his guests.

The forenoon passed in a careful inspection of Ross Island; its European barracks, convict lines, headquarter establishments, and all matters connected with the daily life of the Settlement. The Viceroy hit on several points which he thought capable of improvement; and in his earnestness to see everything for himself, and to get at the exact facts of each question, he once or twice expressed

impatience at the closeness with which the guards hampered his movements. After three busy hours, the party returned on board to luncheon; the Viceroy apologizing with smiling *bonhomie* to the ship's officers for their having to turn out to receive him at the gangway, and hoping that they would not have the trouble again. In his eagerness to get back to his work, he hurried over luncheon, and immediately afterwards started on the inspection of Viper Island, where the worst characters are quartered. This was carefully and minutely performed—the Superintendent walking, as throughout the whole day, at Lord Mayo's right hand; the Private Secretary close to his left; several of the aides-de-camp always within touching distance; the guards with loaded guns in front, flank, and rear. The danger was now over, and an inspection of the saw-mills and works on Chatham Island brought the hot day's work to an end. The party moved down, wearied with the glare and heat, but with a certain sense of relief, to the boats. The Superintendent's precautions had proved, as Lord Mayo said, 'more than enough.' One or two prisoners, who wished to present petitions, had handed them to an officer in attendance without coming near the Viceroy; and the general feeling among the convicts was one of self-interested satisfaction, in the hope of indulgences and pardons in honour of the visit.

Many months had elapsed since, in far-off Simla, the authorities received hints that the Viceroy's life was in danger—a warning to which the assassination

of the Chief-Justice of Bengal gave a terrible significance. Lord Mayo had sternly trampled out the Wahábí disaffection, and in so doing made bitter enemies of a small fanatical gang. One of them struck down the Chief-Justice who had given decision in appeal against their ringleaders; but Lord Mayo's immense personal popularity among the natives of all ranks and creeds led to timely warnings being sent to those who were responsible for his safety. During the following months a heavy responsibility devolved on Lord Mayo's staff. They had strengthened the guards round Government House; dexterously managed the relays on the Viceroy's progress through the Hill States, so as to prevent him changing horses in any village; altered his route at the last moment, and without his knowledge, through the thronged streets of the northern cities, where the danger was supposed to lie. All this had somewhat annoyed Lord Mayo, an utterly fearless man, with a spirit and courage as infectious to those about him as his untiring energy in work or his happy laugh. He always maintained that such precautions were of small use. As a matter of fact, they had proved ample against whatever perils threatened him in India from the traitors and fanatics whose wrath he had personally directed to himself by his stern scattering of their leaders. Only a couple of days before reaching the Andamans, he had said, in connection with the Chief-Justice's murder, that 'these things, when done at all, are done in a moment, and no number of guards would stop one resolute man's

blow.' However, to satisfy his brother[1] and his Private Secretary, he accepted from them a weighted stick, which he had carried for several months, and which he was swinging in his hand as he now walked down to the beach.

On his way he said: 'We have still an hour of daylight, let us do Mount Harriet.' This had originally formed part of the day's programme; but the Private Secretary, according to his regular practice of so arranging each day's work as never to let it keep the Viceroy out after dark, had managed to get the visit postponed till next morning. Mount Harriet is a hill rising to 1116 feet, a mile and a half inland from the Hopetown jetty. Its capabilities as a Sanatarium had been much discussed, and Lord Mayo was anxious to compare the conflicting opinions he had received, with his own impressions on the spot. Malaria was the one enemy of the Colony which remained, and the Viceroy was resolved to get the better of it. He desired, if possible, to provide a retreat where the fever patients might shake off their clinging malady. No criminals of a dangerous sort were quartered at Hopetown; the only convicts there being ticket-of-leave men of approved good conduct. However, the Superintendent at once despatched a boat with the guards from Chatham Island to the Hopetown jetty, and followed with the Viceroy and party in the launch.

On landing at Hopetown a little after 5 P.M., the

[1] Major the Hon. Edward Bourke, then Military Secretary to the Viceroy.

Viceroy found gay groups of his guests enjoying the cool of the day, and had a smile and a kind word for each as he passed. 'Do come up,' he said to one lady, 'you'll have such a sunset!' But it was a stiff climb through the jungle, and only one recruit joined him. His own party was dead tired; they had been on their feet for six blazing hours, and Lord Mayo, as usual the freshest after a hard day, begged some of them to rest till he returned. Of course no one liked to give in, and the party dived into the jungle. When they came to the foot of the hill, the Viceroy turned round to his aide-de-camp, who was visibly fatigued now that the strain of the day's anxiety had relaxed, and almost ordered him to sit down. The Superintendent had sent on the one available pony, but Lord Mayo at first objected to riding while the rest were on foot. When half way up, he stopped and said: 'It's my turn to walk now; one of you get on.' At the top he carefully surveyed the capabilities of the hill as a Sanatarium. He thought he saw his way to improve the health of the Settlement, and with the stern task of reorganization to make a work of humanity go hand in hand. 'Plenty of room here,' he cried, looking round on the island group, 'to settle two millions of men.' Presently he sat down, and gazed silently across the sea to the sunset. Once or twice he said quietly, 'How beautiful!' Then he drank some water. After another long look to the westward, he exclaimed to his Private Secretary: 'It's the loveliest thing I think I ever saw:' and came away.

The descent was made in close order, for it was

now dark. About three-quarters of the way down, torch-bearers from Hopetown met the Viceroy and his attendant group of officials and guards. Two of his party who had hurried forward to the pier saw the intermittent gleam of the torches threading their way through the jungle; then the whole body of lights issued by the bridle-path from the woods, a minute's walk from the jetty. The *Glasgow* frigate lay out on the left with her long line of lights low on the water; the *Scotia* and *Dacca*, also lit up, beyond her; another steamer, the *Nemesis*, was coaling nearer to Hopetown, on the right. The ships' bells had just rung seven. The launch with steam up was whizzing at the jetty stairs; a group of her seamen were chatting on the pier-end. It was now quite dark, and the black line of the jungle seemed to touch the water's edge. The Viceroy's party passed some large loose stones to the left at the head of the pier, and advanced along the jetty; two torch-bearers in front, the light shining strongly on the tall form of Lord Mayo, in a grey tussa-silk coat, close between his Private Secretary and the Superintendent; the Flag-Lieutenant of the *Glasgow* and a Colonel of Engineers a few paces behind, on left and right; the armed police between them, but a little nearer the Viceroy. The Superintendent turned aside, with Lord Mayo's leave, to give an order about the morning's programme, and the Viceroy stepped quickly forward before the rest to descend the stairs to the launch. The next moment the people in the rear heard a noise as of 'the rush of some animal' from behind the loose stones: one or

two saw a hand and knife suddenly descend in the torch-light. The Private Secretary heard a thud, and instantly turning round, found a man 'fastened like a tiger'[1] on the back of the Viceroy.

In a second twelve men were on the assassin; an English officer was pulling them off, and with his sword-hilt keeping back the native guards, who would have killed the assailant on the spot. The torches had gone out; but the Viceroy, who had staggered over the pier side, was dimly seen rising up in the knee-deep water, and clearing the hair off his brow with his hand as if recovering himself. His Private Secretary was instantly at his side, helping him up the bank. 'Burne,' he said quietly, 'they've hit me.' Then, in a louder voice, which was heard on the pier, 'It's all right, I don't think I'm much hurt,' or words to that effect. In another minute he was sitting under the smoky glare of the re-lit torches, on a rude native cart at the side of the jetty, his legs hanging loosely down. Then they lifted him bodily on to the cart, and saw a great dark patch on the back of his light coat. The blood came streaming out, and men tried to stanch it with their handkerchiefs. For a moment or two he sat up on the cart, then he fell heavily backwards. 'Lift up my head,' he said faintly: and said no more.

They carried him down into the steam launch, some silently believing him dead. Others, angry with themselves for the bare surmise, cut open his coat and vest, and stopped the wound with hastily torn strips

[1] I use his own words.

of cloth and the palms of their hands. Others kept rubbing his feet and legs. Three supported his head. The assassin lay tied and stunned a few yards from him. As the launch shot on in the darkness, eight bells rang across the water from the ships. When it came near the frigate, where the guests were waiting for dinner, and jesting about some fish which they had caught for the meal, the lights in the launch were suddenly put out, to hide what was going on in it. They lifted Lord Mayo gently to his cabin: when they laid him down in his cot, every one saw that he was dead.

To all on board, that night stands out from among all other nights in their lives. A silence, which seemed as if it would never again be broken, suddenly fell on the holiday ship with its 600 souls. The doctors held their interview with the dead—two stabs from the same knife on the shoulder had penetrated the cavity of the chest, either of them sufficient to cause death. On the guest steamer there were hysterics and weeping; but in the ship where the Viceroy lay, the grief was too deep for any expression. Men moved about solitarily through the night, each saying bitterly to his own heart, 'Would that it had been one of us.' The anguish of her who received back her dead was not, and is not, for words.

At dawn the sight of the frigate in mourning, the flag at half-mast, the broad white stripe a leaden grey, all the ropes slack, and the yards hanging topped in dismal disorder, announced the reality to those on the other steamer who had persisted through the night in a sort of hysterical disbelief. On the frigate a hushed

and solemn industry was going on. The chief officers of the Government of India on board assembled[1] to adopt steps for the devolution of the Viceroyalty. The trial of the murderer took place. And in a few hours, while the doctors were still engaged on their sad secret task, one steamer had hurried north with the Member of Council to Bengal, another was ploughing its way with the Foreign Secretary to Madras, to bring up Lord Napier of Ettrick, to Calcutta, as acting Governor-General. UNO AVULSO, NON DEFICIT ALTER. The frigate lay silent and alone. At half-past nine that night, the partially embalmed body was placed in its temporary coffin on the quarter-deck, and covered with the Union Jack.

The assassin received the usual trial and the usual punishment for his crime. Shortly after he had been brought on board, in the launch which carried his victim, the Foreign Secretary asked him why he had done this thing. He only replied, 'By the order of God.'[2] To the question, whether he had any associates in his act, he answered, 'Among men I have no accomplice; God is my partner.'[3] Next morning, at the usual preliminary inquiry before the local magistrate, when called to plead, he said, 'Yes, I did it.'[4] The evidence of the eye-witnesses was recorded, and the prisoner committed for murder to the Sessions-Court. The Superintendent, sitting as chief

[1] Sir Barrow H. Ellis (Member of Council) presiding, with Mr. C. U. Aitchison, C.S.I., Foreign Secretary, and others.

[2] *Khudá ne húkm diyá.*

[3] *Merá sharík koí ádmí nahín; merá sharík khudá hai.*

[4] *Hán, main ne kiyá.*

judge in the Settlement, conducted the trial in the afternoon. The accused simply pleaded 'Not guilty.' Each fact was established by those present when the deed was done; the prisoner had been dragged off the back of the bleeding Viceroy with the reddened knife in his hand. The sentence was to suffer death by hanging. The proceedings were forwarded in the regular way to the High Court at Calcutta for review. On the 20th February this tribunal confirmed the sentence; and on the 11th March the assassin was taken to the usual place of execution on Viper Island, and hanged.

The man was a highlander from beyond our North-Western frontier, who had taken service in the Panjáb Mounted Police, and been condemned to death at Peshawar for slaying his enemy on British soil. The evidence being chiefly circumstantial, his sentence was commuted to transportation for life to the Andamans. In his dying confession, years afterwards, he stated that although he had not struck the blow, he had conspired to do the murder. But the slaying of a hereditary foe in cold blood was no crime in his eyes, and ever since his conviction in 1869, he said he had made up his mind to revenge himself by killing 'some European of high rank.' He therefore established his character as a silent, doggedly well-behaved man; and in due time was set at large as a barber among the ticket-of-leave convicts at Hopetown. During three years he waited sullenly for some worthy prey. On the morning of the 8th February, when he heard the royal salute, he felt that

his time had come, and sharpened a knife. He resolved to kill both the Superintendent and the Viceroy. All through the day the close surveillance gave him no chance of getting to the islands which Lord Mayo visited. Evening came, and his victim landed unexpectedly at his very door. He slipped into the woods, crept up Mount Harriet through the jungle side by side with the Viceroy; then dogged the party down again in the dark: but still got no chance. At the foot he almost gave up hope, and resolved to wait for the morrow. But as the Viceroy stepped quickly forward on the jetty, his grey-suited shoulders towering conspicuous in the torch-light, an impulse of despair thrilled through the assassin. He gave up all idea of life, rushed round the guards, and in a moment was on his victim's back. He was a hillman of immense personal strength; and when heavily fettered in the condemned cell, overturned the lamp with his chained ankle, bore down the English sentry by brute strength of body, and wrenched away his bayonet with his manacled hands. He made no pretence of penitence, and was childishly vain of being photographed (for police inquiries in Northern India) as the murderer of a Viceroy. Indeed, some of the above details were only got out of him by a native officer who cunningly begged him for materials for an ode on his deed, to be sung by his countrymen. Neither his name, nor that of his village or tribe, will find record in this book. The last words spoken to him on earth were a message from the family whom he had stricken: 'God forgive you, as we do.'

The passionate outburst of grief and wrath which then shook India, the slow military pomp of the slain Viceroy's re-entry into his capital, the uncontrollable fits of weeping in the chamber where he lay in state, the long voyage of the mourning ship, and the solemn ceremonial with which Ireland received home her dead son—all these were fitting at the time, and are past. Earth shuts him in, with his glories and his triumphs. Yesterday, said one of the Dublin papers, we saw a State Solemnity vitalized 'by the subtle spell of national feeling. Seldom are the two things united in an Irish public funeral. When imperial pomp is displayed, the national heart is cold. When the people pay spontaneous homage to the dead, the trappings of the State are absent, its voice mute. Yesterday, for once, this ill-omened rule was broken. Government and the people united in doing honour to an illustrious Irishman.' The Indian Press had given vent to the wild sorrow of many races in many languages; the English newspapers were full of statelier nobly expressed tributes; Parliamentary chiefs had their well-chosen utterances for the nation's loss. But Lord Mayo, as he sat on the top of the sea-girt hill, and gazed towards the west, where his dear home lay beyond the sunset, would have prized that united silent mourning of his countrymen above any articulate panegyric. They laid him at last in the secluded graveyard which he had chosen on his own land.

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